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# SOUTHERN RIO GRANDE

# PLAN AMENDMENT

## FINAL ENVIRONMENTAL IMPACT STATEMENT

## AND

## PROPOSED PLAN FOR A STATE LAND EXCHANGE AND DONA ANA COUNTY LAND TENURE ADJUSTMENT

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

LAS CRUCES DISTRICT OFFICE

NEW MEXICO

OCTOBER 1986

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# NOTICE

THIS IS THE SOUTHERN RIO GRANDE PLAN AMENDMENT FINAL ENVIRONMENTAL IMPACT STATEMENT (SRGPA/EIS) AND PROPOSED PLAN. THE FINAL SRGPA/EIS INCORPORATES THE DRAFT SRGPA/EIS BY REFERENCE AND INCLUDES AN UPDATED SUMMARY FROM THE DRAFT, CHANGES TO THE DRAFT RESULTING FROM PUBLIC REVIEW AND COMMENT, A RECORD OF PUBLIC COMMENT ON THE DRAFT, THE RESPONSES TO THOSE COMMENTS, AND THE PROPOSED PLAN. COPIES OF THE DRAFT SRGPA/EIS ARE AVAILABLE FROM THE BLM LAS CRUCES DISTRICT OFFICE, 1800 MARQUESS STREET, LAS CRUCES, NEW MEXICO, 88005.

BLM-NM-PT-86-016-4920

IN REPLY REFER TO:
1600 (036)

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT
LAS CRUCES DISTRICT OFFICE
1800 Marquess St.
Las Cruces, New Mexico 88005

OCT 1986

Dear Reader:

Enclosed for your review is the Final Southern Rio Grande Plan Amendment/Environmental Impact Statement (SRGPA/EIS). The SRGPA/EIS addresses a proposed State land exchange and other proposed land tenure adjustments in Dona Ana County, New Mexico.

Comments on the Final SRGPA/EIS should be sent to the Area Manager, Las Cruces/Lordsburg Resource Area, 1800 Marquess Street, Las Cruces, New Mexico, 88005.

This Final SRGPA/EIS contains the Proposed Plan. The Proposed Plan is a modified version of the Preferred Alternative published in the Draft SRGPA/EIS in March 1986. All parts of the Proposed Plan may be protested. Protests should be sent to the Director, Bureau of Land Management, 18th and C Streets NW, Washington, D.C., 20240, within 30 days from the filing date of the Final. The protest should include the following information: (1) the name, mailing address, telephone number, and interest of the person filing the protest; (2) a statement of the concern or concerns being protested; (3) a statement of the part or parts being protested; (4) a copy of all documents addressing the concern or concerns that were submitted during the planning process by the protesting party or an indication of the date the concern or concerns were discussed for the records; and (5) a concise statement explaining why the BLM New Mexico State Director's decision is wrong.

At the end of the 30-day protest period, the Proposed Plan, excluding any portions under protest, shall become final. Approval shall be withheld on any portion of the plan under protest until final action has been completed on such protest. The approval process and the final plan will be published with the Record of Decision in early 1987.

This Final SRGPA/EIS was prepared using the comments received through the review process on the Draft SRGPA/EIS. Because the changes suggested through the public review process did not require a major rewrite of the Draft and substantial cost savings could be realized by reprinting only the responses to comments and the corrections and modifications, the Draft SRGPA/EIS has been incorporated into this Final SRGPA/EIS by reference. Thus, this document must be used in conjunction with the Draft SRGPA/EIS. Copies of the Draft are available from the BLM, Las Cruces District Office, 1800 Marquess Street, Las Cruces, New Mexico, 88005.

Sincerely,

H. James Fox

H. James Fox
District Manager

#14634515 ID: 88064035 HD 243 .N4 L37 1986b

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

# SOUTHERN RIO GRANDE PLAN AMENDMENT
# FINAL ENVIRONMENTAL IMPACT STATEMENT
# AND PROPOSED PLAN

Abstract: The Southern Rio Grande Plan Amendment/Environmental Impact Statement (SRGPA/EIS) addresses proposed land tenure adjustments for Dona Ana County, New Mexico, and a proposed State land exchange. Three alternatives were assessed in detail: Alternative I, which is the no action alternative and favors retention of the public land; Alternative II, which favors disposal; and Alternative III, which is the Preferred Alternative and provides a balanced management direction for the land tenure adjustment issue. The document describes the affected environment and environmental consequences which would result from the implementation of each alternative. A Proposed Plan is included in the Final SRGPA/EIS. The Plan was developed following a 90-day review of the Draft SRGPA/EIS.

Type of Action: (x) Administrative ( ) Legislative

For Further Information Contact: Marvin James
Team Leader
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, New Mexico 88005

Telephone: Commercial: (505) 525-8228
FTS: 571-8350

Comments Have Been Requested From: See Public Participation and Coordination Section.

Date [redacted] Filed with Environmental Protection Agency: OCT 0 1 1986

Date on Which Comments are Due: NOV 1 0 1986

Recommended:

H. James Fox
District Manager
Las Cruces District Office
Las Cruces, New Mexico

Approved:

Acting State Director, New Mexico

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# SUMMARY

# SUMMARY

NOTE: | -Denotes changes or additions.

The Southern Rio Grande Plan Amendment/ Environmental Impact Statement (SRGPA/EIS) considers a State of New Mexico land exchange proposal and other land tenure adjustments for Dona Ana County. The SRGPA/EIS is prepared as a single planning issue document for land tenure adjustment. Three alternatives are considered in detail: the Favor Retention Alternative (No Action Alternative) (Alternative I), the Favor Disposal Alternative (Alternative II), and the Preferred Alternative (Alternative III). After evaluation of comments received on the Draft SRGPA/EIS, a modified version of the Preferred Alternative (Alternative III) was selected as the Proposed Plan. Changes to the Preferred Alternative include the retention and potential acquisition of additional lands in the Franklin Mountains area, retention and potential acquisition of lands for an Organ/Franklin Mountains Corridor, and retention of public land in the Hueco Bolson until a final decision is made on the rights-of-way (ROW) applications of the City of El Paso Water Utilities Public Service Board.

ALTERNATIVE I--FAVOR RETENTION ALTERNATIVE (NO ACTION ALTERNATIVE)

The objective of the Favor Retention Alternative (No Action Alternative) is to continue current management direction and existing land use plan decisions for land tenure adjustment.

Major Components

Dona Ana County

Under the Favor Retention Alternative (No Action Alternative), disposal is proposed for 1,010 acres of isolated tracts and 552 acres of small tracts. The remaining 1,105,125 acres of public land in Dona Ana County would generally be retained in BLM ownership. Potential acquisition is proposed for the Rough and Ready Station (160 acres), Fort Mason (160 acres), and selected State and private lands in the Organ Mountains (7,422 acres).

State Land Exchange Area

No action would be taken on the State land exchange proposal, and the 10,000 acres of public land identified by the State of New Mexico on the East Mesa would be retained.

Environmental Consequences

Lands

Dona Ana County

Impacts to the land resource would be insignificant under the Favor Retention (No Action) Alternative. The disposal of 1,562 acres of public land represents less than 1 percent (0.14) of the total acreage managed by the BLM in Dona Ana County (excluding military withdrawn lands).

The acquisition of 7,742 acres (0.69 percent) of State and private lands to be included under the management of the BLM would result in no significant impacts to the existing land resource under the Favor Retention (No Action) Alternative.

State Land Exchange Area

Impacts to the land resource within the State Land Exchange Area would be insignificant under the Favor Retention (No Action) Alternative.

Access

Dona Ana County

Impacts on access to public land within Dona Ana County would be insignificant under the Favor Retention (No Action) Alternative.

State Land Exchange Area

Impacts on access to public land within the State Land Exchange Area would be insignificant under the Favor Retention (No Action) Alternative.

**Geology and Minerals**

Dona Ana County

No impacts would occur, in that current management procedures on public land would continue. The land designated for disposal and acquisition would have no significant effect on mineral exploration and development.

State Land Exchange Area

No impacts. Current management procedures would continue.

**Soils**

Dona Ana County

Current management procedures would continue resulting in no change in surface use. Compaction, erosion, and sedimentation would remain constant, in that activities such as grazing and off-road use would not change.

State Land Exchange Area

No changes or impacts. Current management practices would continue.

**Water Resources**

Dona Ana County

Under this alternative, water quantity, quality, and surface water structures would not be affected. Current BLM procedures would continue on lands presently in Federal ownership.

State Land Exchange Area

The 10,000 acres would be kept in Federal ownership, and, therefore, current management policies would continue. No impacts would result from retention.

**Vegetation**

Dona Ana County

The disposal of 1,010 acres of public land would not have a significant impact on vegetation and its uses. Disposal of the remaining 552 acres of small tracts would not impact vegetation. If these lands are disposed of, Opuntia arenaria (sand prickly pear), a Federal candidate species and its habitat would no longer be under management control of the BLM.

Retention of 1,105,125 acres of public land in the County would provide management and protection by BLM for the vegetation resources, and existing threatened, endangered, candidate, or sensitive plant species.

Acquisition of 320 acres of State land would not significantly impact vegetation and its uses. Acquisition of State and private lands (7,422 acres) in the Organ Mountains would provide Federal protection for the vegetation and several threatened, endangered, candidate, and sensitive plant species.

State Land Exchange Area

Within the exchange area, the 10,000 acres of public land would be kept in Federal ownership. There are several large arroyos with unique vegetation which provide habitat for wildlife species and could provide an educational experience for the general public.

**Wildlife**

Dona Ana County

Acquisition of lands in the Organ Mountains would improve opportunities for deer habitat management by the BLM.

State Land Exchange Area

All of the habitats in the State Land Exchange Area would remain in public ownership.

**Recreation**

Dona Ana County

Disposal of 1,562 acres of isolated and small tracts would not significantly affect recreation resources. Retention of the balance of public land would allow the continuation of existing recreation opportunities on that land. Acquisition of 7,422 acres in the Organ Mountains would provide additional public recreation opportunities and contribute significantly to more effective management of the recreation resources in that area.

State Land Exchange Area

Retention of the 10,000 acres of public land would allow continued ORV use and dispersed recreation use in the area.

**Cultural Resources**

Dona Ana County

Disposal of 1,562 acres of public land would remove 6 recorded sites and an estimated 22 unrecorded sites from management by the BLM. Retention of 1,105,125 acres of public land would leave 943 recorded sites and an estimated 16,050 unrecorded sites under management by the BLM. Management by BLM of 2 recorded sites, as well as an estimated 3 unrecorded sites, could result from acquisition of 320 acres of State land. Acquisition of 7,422 acres of State and private lands in the Organ Mountains would add 12 previously recorded sites, as well as an estimated 110 unrecorded ones to management by the BLM.

State Land Exchange Area

If a 10,000-acre parcel on the East Mesa is retained, 18 previously recorded sites and 50 unrecorded sites would remain under management by the BLM.

**Wilderness**

Dona Ana County

Disposal of 1,562 acres of isolated and small tracts would not significantly affect the wilderness values of the six Wilderness Study Areas (WSAs). Retention of the balance of public land would allow the continuation of existing management in the WSAs. Acquisition of 1,180 acres immediately adjacent to the Organ Mountains WSA would enhance the manageability of that WSA.

State Land Exchange Area

Retention of the 10,000 acres of public land would not significantly affect the wilderness values of the WSAs.

**Livestock Grazing**

Dona Ana County

The disposal of 1,010 public acres of isolated tracts and 552 public acres of small tracts would affect an insignificant 5 animal units (AUs). Rangeland improvements located on these lands include 4 miles of fence.

Retention of 1,105,125 acres on which 8,185 AUs are grazed would continue at the present level. Rangeland improvements would remain as at the present time.

The acquisition of 320 acres affecting 3 AUs for livestock grazing is also not significant. Rangeland improvements located on these lands include 1/4 mile of pipeline. Acquisition of State and private lands in the Organ Mountains would affect grazing of 115 AUs. Since only land status would change but not land management, livestock grazing would continue at the present level. Rangeland improvements located on the lands include 5 dirt tanks (1 base water), 4 wells (3 base waters), 4 springs (1 base water), and 6 miles of fence.

State Land Exchange Area

Within the exchange area, there are 47 AUs grazed on 3 allotments. Grazing privileges would remain the same. Rangeland improvements would remain as at the present time.

**Visual Resources**

Dona Ana County

Disposal of 1,562 acres of isolated and small tracts would not significantly affect visual

resources. Retention of the balance of public land would allow the continuation of existing visual resource management on that land. Acquisition of 7,422 acres in the Organ Mountains would give the BLM the authority to manage the visual resources of those lands. Acquisition of 40 acres within the Organ Mountains Scenic Area of Critical Environmental Concern (ACEC) would enhance management of visual quality in the ACEC.

State Land Exchange Area

Retention of the 10,000 acres of public land would allow continued management of the area under Visual Resource Management (VRM) Class III guidelines.

**Social and Economic Conditions**

Dona Ana County

This alternative would not significantly impact the demographic characteristics, infrastructure, social conditions, or economic structure of Dona Ana County or El Paso County.

The disposal of 1,562 acres of isolated and small tracts would cause Payment in Lieu of Taxes (PILT) to decline by $1,171. BLM AUs would decline by 5 AUs with a corresponding decrease in grazing fees of approximately $81. If the affected livestock operators are unable to acquire the lands identified for disposal, their grazing permit values would be negatively affected by a range of $1,200 to $4,800. Possible tax revenue generated for the County could be approximately $2,600 for undeveloped land. BLM managerial costs are estimated to increase by approximately 1 percent above 1985 managerial costs for the Resource Area.

The retention of 1,105,125 acres of public land for multiple-use purposes could be favorably perceived by the public.

The acquisition of 7,742 acres of State and private lands could cause PILT to increase by approximately $3,592. Possible tax revenue generated is estimated to decline by a range of $109 if the private land is classified as grazing, to $8,067 if the private land is classified as undeveloped. BLM managerial costs are estimated to increase by $1,440 or .26 percent over 1985 managerial costs for the Resource Area. Taylor Grazing receipts are estimated to increase by approximately $1,912. Consolidation of land status under BLM ownership could be favorably perceived from a multiple-use perspective.

The pending rights-of-way applications the City of El Paso has filed would be processed; therefore, any additional processing costs and inconveniences with new landowners would be foregone.

State Land Exchange Area

The retention of the 10,000 acres of public land on the East Mesa would mitigate the public concern regarding the State of New Mexico's ability to manage for multiple-use purposes in conjunction with generating revenue.

The County of El Paso would not experience any significant social or economic impacts. Any changes that would occur would be due to other unrelated factors to this alternative.

ALTERNATIVE II--FAVOR DISPOSAL ALTERNATIVE

The objective of the Favor Disposal Alternative is to emphasize making public land available for disposal with retention of land with resource values where required by laws, regulations, or policies.

Major Components

**Dona Ana County**

Under the Favor Disposal Alternative, disposal is proposed for 83,302 acres on the East Mesa, 19,379 acres on the West Mesa, and 5,437 acres of land that is difficult and uneconomical to manage or where interest has been shown. The remaining 998,569 acres of public land in Dona Ana County would generally be retained in BLM ownership.

**State Land Exchange Area**

For the State land exchange proposal, up to 10,000 acres of public land would be disposed of on the East Mesa and 5,000 acres of State land would be acquired in the Organ Mountains.

Environmental Consequences

## Lands

### Dona Ana County

Impacts to the land resource would be significant under the Favor Disposal Alternative. The disposal of 108,118 acres of public land represents almost 10 percent (9.7) of the total acreage managed by the BLM in Dona Ana County (excluding military withdrawn land).

Additionally, the disposal of 108,118 acres would mean that Government and non-profit organizations that make use of the Recreation and Public Purposes (R&PP) Act for public purpose needs, specifically east of Las Cruces, would be required to purchase lands needed for public purposes at the fair market rate from either State or private landholders. However, prior to the disposal of any public land, the public purpose needs of local Government entities within which the lands are located will be considered on a site-specific basis.

### State Land Exchange Area

Impacts to the land resource within the State Land Exchange Area would be moderate under the Favor Disposal Alternative. The disposal of 10,000 acres of public land by exchange to the State of New Mexico (NM 61209) represents approximately 1 percent (0.895) of the total acreage managed by the BLM in Dona Ana County (excluding military withdrawn land).

The disposal of 10,000 acres would mean that Government and non-profit organizations that make use of the R&PP Act for public purpose needs would be required to purchase lands needed for public purposes at the fair market rate from either State or private landholders. However, prior to the disposal of any public land, the public purpose needs of local Government entities within which the lands are located will be considered on a site-specific basis.

The acquisition of 5,000 acres (0.45 percent) of State land within the Organ Mountains would result in no significant impacts to the existing land resource under the Favor Disposal Alternative.

## Access

### Dona Ana County

Impacts on access to public land within Dona Ana County would be insignificant under the Favor Disposal Alternative.

### State Land Exchange Area

Impacts on access to public land within the State Land Exchange Area would be insignificant under the Favor Disposal Alternative.

## Geology and Minerals

### Dona Ana County

No significant impacts would occur with regard to locatable minerals, in that locations with historic mineral production are generally in retention areas. Should the mineral estate be lost in disposal areas, important resources of sand and gravel and geothermal energy would no longer be under Federal management.

### State Land Exchange Area

Sand and gravel and geothermal energy are found on the considered 10,000 acres. The mineral estate would be kept in Federal ownership, protecting exploration and development rights. Future development of these resources could affect exchange suitability in some areas.

## Soils

### Dona Ana County

Title transfer of the lands considered for disposal under this alternative, would not create impacts to soil quality or condition. Erosion and sedimentation would remain constant. Impacts due to retention would not be significant.

### State Land Exchange Area

Soils on the 10,000 acres considered for disposal would not be significantly affected by title transfer. The elimination of off-road vehicle use on allotted acreage could slightly reduce local erosion and sedimentation.

Water Resources

Dona Ana County

Water resources on lands considered for disposal and retention would not be impacted by title transfer. Water quality and quantity would be unaffected, as well as surface water structures. The BLM has no ownership or maintenance responsibilities for retention or diversion structures.

State Land Exchange Area

Change in ownership would not necessitate changes in surface or ground waters. Quantity and quality of waters would remain the same, and surface water structures would be maintained by the current permittees.

**Vegetation**

Dona Ana County

The disposal of 83,302 acres of public land on the East Mesa would have little impact on vegetation and its uses. These lands would no longer be managed and protected by the BLM. Habitat for Coryphantha sneedii var. sneedii (Sneed's pincushion cactus), a Federally-listed species, located in the Franklin Mountains would no longer be under management control of the BLM under this alternative. Opuntia arenaria (sand prickly pear), a Federal candidate species is also found in the disposal area.

Disposal of 19,379 acres of public land on the West Mesa would not have a significant impact on the vegetation and its uses. The disposal of 5,437 acres of land that is difficult and uneconomical to manage or where interest has been shown would also not have a significant impact on the vegetation resources. If some of these parcels were disposed, O. arenaria and its habitat would no longer be under management control of the BLM.

Retention of 998,569 acres of public land in the County would provide management and protection by BLM for the vegetation resources and existing threatened, endangered, candidate, or sensitive plant species.

State Land Exchange Area

Within the exchange area, 10,000 acres on the East Mesa would be removed from the BLM's multiple-use management and protection. There are several large arroyos with unique vegetation which provides habitat for wildlife species and could provide an educational experience for the general public.

Acquisition of 5,000 acres in the Organ Mountains would provide Federal protection for the vegetation, its uses, and several threatened, endangered, candidate, and sensitive plant species.

**Wildlife**

Dona Ana County

Disposals on the East and West Mesas would preclude habitat management by the BLM on about 30 percent of the arroyo-riparian habitat type and about 19,379 acres of habitat where quail are to be a featured species.

As much as 300 acres of riparian habitat in areas designated as difficult and uneconomical to manage or where interest has been shown would be available for disposal.

State Land Exchange Area

All of the habitat in the 10,000 acres, including 800 acres of arroyo-riparian habitat, would be removed from public land management, while the land acquired in the Organ Mountains would become available for deer habitat management by the BLM.

**Recreation**

Dona Ana County

Disposal of 108,118 acres would eliminate management control by the BLM for recreation resources on that land, including the Dona Ana Recreation Area, the Franklin Mountains, the Isaack Lake area, the Mossman Arroyo and Airport ORV Areas, the Box Canyon area, and the Old Refuge area. Retention of the balance of public land would allow the continuation of existing recreation opportunities on that land.

State Land Exchange Area

Disposal of the 10,000 acres of public land could eliminate most recreation activities on that land except hunting. The Alameda Arroyo ORV Area would be lost from management control by the BLM. Acquisition of the 5,000 acres in the Organ Mountains would provide additional public recreation opportunities and greatly enhance the management of the recreation resources in that area.

**Cultural Resources**

Dona Ana County

Disposal of parcels totalling 108,118 acres would remove 114 recorded sites and approximately 1,375 unrecorded sites from management by BLM. Retention of 998,569 acres of public land would leave 806 recorded sites, as well as an estimated 12,000 unrecorded sites, under management by the BLM.

State Land Exchange Area

There are 18 recorded sites and an estimated 50 unrecorded ones which would be removed from management by the BLM if 10,000 acres of public land are disposed. Acquisition of 5,000 acres of State land would add 5 recorded sites, as well as an estimated 75 unrecorded sites, to management by BLM.

**Wilderness**

Dona Ana County

Disposal of 108,118 acres would not significantly affect the wilderness values of the six WSAs. Retention of the balance of public land would allow the continuation of existing management in the WSAs.

State Land Exchange Area

Disposal of the 10,000 acres of public land would not significantly affect the wilderness values of the WSAs. Acquisition of 520 acres immediately adjacent to the Organ Mountains WSA would enhance the manageability of that WSA.

**Livestock Grazing**

Dona Ana County

Disposal of 83,302 acres of public land on the East Mesa could have a significant impact on livestock grazing if leases are not granted or renewed. There are 470 animal units (AUs) grazed in 8 different allotments. Rangeland improvements located on these lands include 2 wells (both base waters), 2 1/4 miles of pipeline, 74 1/2 miles of fence, 10 dirt tanks (2 base waters), 1 corral, and 1 erosion control structure.

Disposal of 19,379 acres of land on the West Mesa could also have a significant impact. There are 119 AUs grazed on these lands in 3 different allotments. Rangeland improvements located on these lands include 16 1/2 miles of fence (boundary and interior) and 3 dirt tanks.

Disposal of 5,437 acres of land that is difficult and uneconomical to manage or where interest has been shown would not impact livestock grazing. There are 30 AUs grazed on these lands in 7 different allotments. Rangeland improvements located on these lands include 12 miles of fence (boundary and interior), 1 spring (base water), and 2 dirt tanks.

The remainder of Dona Ana County (998,569 acres) which has a grazing preference of 7,571 AUs would provide existing livestock grazing uses to the permittees. Rangeland improvements would remain as at the present time.

State Land Exchange Area

Within the exchange area, there are 47 AUs grazed in 3 different allotments. The Commissioner of Public Lands has stated that current livestock grazing uses would be authorized on these lands. Rangeland improvements located on these lands include 10 1/2 miles of fence (boundary and interior), 1/4 mile of pipeline, 1 trough (base water), 2 dirt tanks, and 3 concrete erosion control structures.

Acquisition of 5,000 acres of State land in the Organ Mountains would affect 57 AUs in 3 different allotments. If these lands are acquired by the BLM, grazing uses would be permitted to current holders of State grazing leases. Rangeland improvements located on these lands include 2 3/4 miles of fence (boundary and interior), 3 springs (1 base water), and 5 dirt tanks (1 base water).

**Visual Resources**

Dona Ana County

Disposal of 108,118 acres would eliminate BLM visual resource management for that land, including the Franklin Mountains. Retention of the balance of public land would allow the continuation of existing visual resource management on that land.

State Land Exchange Area

Disposal of the 10,000 acres of public land would remove that land from management control under VRM Class III guidelines. Acquisition of the 5,000 acres in the Organ Mountains would give the BLM the authority to manage the visual resources of that land.

**Social and Economic Condition**

Dona Ana County

Disposal of 108,118 acres in Dona Ana County could cause Payment in Lieu of Taxes (PILT) to decline by approximately $81,354. There could be a decrease of approximately 619 AUs from BLM administration with a corresponding decrease in rangeland improvement funds of approximately $5,000. If the 17 affected livestock operators are unable to acquire the land or are not allowed to continue grazing, there could be a loss of AUs ranging from 1 AU to 160 AUs depending on the particular operation. The value of their grazing permits could also be affected ranging from a decrease in value of $1,200 to $190,800. Those affected operators are presently paying approximately $41,600 for 2,567 BLM AUs which are attached to approximately 351,700 acres. This is estimated to be approximately 12 cents per acre. If the State grazing fee is greater than this amount, the operators would incur an increase in grazing fees. Additionally, the operators could experience a financial strain to existing debt and operating loans if they pursue acquisition of lands identified for disposal.

The City of El Paso could incur social and economic impacts as a result of their pending rights-of-way applications. If the surface passes from Federal ownership, additional costs, inconveniences, and delays in processing the applications could be experienced by the City of El Paso. Mitigation of these potential impacts has been addressed by the Bureau agreeing to process the rights-of-way applications and retain the public land in Federal ownership until a final decision is made on the applications.

The Federal Government could lose approximately $79,000 from oil and gas and geothermal leases if the mineral estate is included in the disposal. All profits from exploitation of the minerals resource would accrue either to the State or private parties. Profits from future mineral material sales would also be forgone if the minerals were transferred from Federal ownership. Accurate estimates of possible losses of profits from future mineral material sales can not be made at this time because of the many variables involved; estimates will be included in site-specific EAs when and if conveyances of minerals from Federal ownership are proposed.

The County tax base would expand as private ownership increased. The potential generation of tax revenue for undeveloped lands could increase by approximately $182,000.

BLM managerial costs are estimated to increase by approximately 10 percent above 1985 managerial costs for the district.

Those who have a deep appreciation for protection of multiple-use values would favorably perceive retention of 998,569 acres. These lands would continue to be important for current and future users.

State Land Exchange Area

The exchange of 10,000 acres of public land to the State of New Mexico would cause PILT to decline by $7,500. BLM AUs would decrease by

47 AUs, grazing fees collected would decline by $761. Three livestock operators could incur an increase in grazing fees as a result of the exchange. If the affected operators are not allowed to continue grazing, their permit values could be affected by a decline of $1,200 for one operator, $24,000 for another operator, and $31,200 for the third operator.

The County tax base could expand by approximately $16,800 as private ownership increased. The actual generation of tax revenue depends on the actual use and classification of the lands. The general attitude regarding the exchange concerns the State's ability to manage for multiple-use purposes. The public is also concerned about why Dona Ana County was solely selected to compensate the State while lands within the Missile Range are also in Socorro, Sierra, Lincoln, and Otero counties.

El Paso County would not experience any significant social or economic impacts due to the disposal of the 10,000 acres of public land. Impacts may stem from an attitudinal standpoint since the overall Federal acreage in the Nation would be declining which would impact the existence values of the public.

The acquisition of the 5,000 acres of State land could be favorably perceived by those users of the Organ Mountains. Approximately 57 AUs would be transferred from the State, affecting three operators.

ALTERNATIVE III---PREFERRED ALTERNATIVE (PROPOSED PLAN)

The objective of the Preferred Alternative is to provide a balanced management direction for land tenure adjustment with retention of land with important environmental values and sensitive resources.

Major Components

**Dona Ana County**

Under the Preferred Alternative, disposal is proposed for 65,931 acres on the East Mesa, 3,936 acres on the West Mesa, and 5,437 acres of land that is difficult and uneconomical to manage or where interest has been shown. (Public land in the Hueco Bolson would be retained until a final decision is made on the ROW applications of the City of El Paso Water Utilities Public Service Board.) The remaining 1,031,383 acres of public land in Dona Ana County would generally be retained in BLM ownership, including the Dona Ana Recreation Area, the Franklin Mountains, and the Organ/Franklin Mountains Corridor on the East Mesa. Potential acquisition is proposed for 40,493 acres of lands in and immediately adjacent to special management areas and 4,765 acres of lands identified by BLM and the public for management programs of the BLM.

**State Land Exchange Area**

For the State land exchange proposal, up to 10,000 acres of public land would be disposed of on the East Mesa and 5,000 acres of State land would be acquired in the Organ Mountains.

Environmental Consequences

**Lands**

Dona Ana County

Impacts to the land resource would be significant under the Preferred Alternative. The disposal of 75,304 acres of public land represents over 7 percent (7.31) of the total acreage managed by the BLM in Dona Ana County (excluding military withdrawn land).

Additionally, the disposal of 75,304 acres would mean that Government and non-profit organizations that make use of the R&PP Act for public purpose needs, specifically east of Las Cruces, would be required to purchase lands needed for public purposes at the fair market rate from either State or private landholders.

The acquisition of 45,258 acres (3.67 percent) of State and private lands to be included under the management of the BLM would result in no significant impacts to the existing land resource under the Preferred Alternative.

State Land Exchange Area

Impacts to the land resource within the State

Land Exchange Area would be moderate under the Preferred Alternative. The disposal of 10,000 acres of public land by exchange to the State of New Mexico (NM 61209) represents approximately 1 percent (0.895) of the total acreage managed by the BLM in Dona Ana County (excluding military withdrawn land).

There are 340 acres within the 10,000-acre disposal area that would be set aside and retained by the Federal Government for future public purpose uses as proposed by certain Government and non-profit entities.

The acquisition of 5,000 acres (0.45 percent) of State land within the Organ Mountains would result in no significant impacts to the existing land resource under the Preferred Alternative.

**Access**

Dona Ana County

Impacts on access to public land within Dona Ana County would be insignificant under the Preferred Alternative.

State Land Exchange Area

Impacts on access to public land within the State Land Exchange Area would be insignificant under the Preferred Alternative.

**Geology and Minerals**

Dona Ana County

The greatest effect on mineral exploration and development comes by the loss of the mineral estate in the disposal of lands. Under this alternative, the most significant impacts would come from the loss of sand and gravel and geothermal areas on lands designated for disposal. If the mineral estate is retained, no significant impacts to exploration and development would occur.

State Land Exchange Area

Sand and gravel and geothermal energy are found on the considered 10,000 acres. The mineral estate would be kept in Federal ownership protecting exploration and development rights. Future development of these resources could affect exchange suitability in some areas.

**Soils**

Dona Ana County

Soils on the land identified for disposal under this alternative would not be impacted by land tenure adjustment. Title transfer would not require changes in surface use affecting soil condition or quality.

State Land Exchange Area

Soils on the 10,000 acres considered for disposal would not be significantly affected by title transfer. The elimination of off-road vehicle use on allotted acreage could slightly reduce local erosion and sedimentation.

**Water Resources**

Dona Ana County

Ground waters and surface waters would not be affected by land tenure adjustments on land identified for disposal under this alternative. Quantity and quality of both ground and surface waters would remain constant. The BLM has no ownership or maintenance responsibilities for water diversion or retention structures on land designated for disposal.

State Land Exchange Area

Change in ownership would not necessitate changes in surface or ground waters. Quantity and quality of waters would remain the same with surface water structures being maintained by the permittees.

**Vegetation**

Dona Ana County

The disposal of 65,931 acres of public land on the East Mesa would have little impact on vegetation and its uses. The cactus, Opuntia arenaria (sand prickly pear), a Federal candidate species and its habitat would no longer be under management control of the BLM through disposal of these lands.

The disposal of 5,437 acres of land that is difficult to manage or where interest has been shown and 3,936 acres on the West Mesa would not significantly impact vegetation or its uses. If these parcels were disposed of, O. arenaria and its habitat would no longer be under management control of the BLM.

Retention of 1,014,012 acres of public land would give BLM protection and management to all vegetation resources and Federal and State-listed plants on these lands.

Retention of 9,831 acres of in the Franklin Mountains would give the Federally-listed species Coryphantha sneedii var. sneedii (Sneed's pincushion cactus) and its habitat protection. Retention of the 2,865 acres in the Dona Ana Mountains would also give BLM protection and management to the vegetation resources.

The acquisition of 40,493 acres in and adjacent to special management areas and the 4,765 acres for management programs of the BLM would block up public land and provide protection for vegetation and its uses and Federal and State-listed plant species.

State Land Exchange Area

Within the exchange area, 10,000 acres on the East Mesa would be removed from the BLM's multiple-use management and protection. There are several large arroyos with unique vegetation which provides habitat for wildlife species and could provide an educational experience for the general public.

Acquisition of 5,000 acres in the Organ Mountains would provide Federal protection for the vegetation, its uses, and several threatened, endangered, candidate, and sensitive plant species.

**Wildlife**

Dona Ana County

As much as 2,793 total acres of riparian habitat could become available for habitat management by the BLM through acquisitions in the Rio Grande riparian area and the "Old Refuge," while as much as 300 acres of riparian or wetland habitat could be removed from public land management by disposal of tracts that are difficult and uneconomical to manage or where interest has been shown.

State Land Exchange Area

All of the habitat in the 10,000 acres, including about 800 acres of arroyo-riparian habitat, would be removed from public land management, while the land acquired in the Organ Mountains would become available for deer habitat management by the BLM.

**Recreation**

Dona Ana County

Disposal of 75,304 acres would eliminate management control by the BLM for recreation resources on that land, including the Isaack lake area and the Mossman Arroyo and Airport ORV Areas. Retention of the balance of public land would allow the continuation of existing recreation opportunities on that land. Acquisition of 18,488 acres in the Organ Mountains would provide additional public recreation opportunities and would very significantly enhance effective management of the recreation resources in that area by consolidating public land ownership. Acquisition of 320 acres within the Kilbourne Hole National Natural Landmark would enhance its manageability. Acquisition of lands in the Rio Grande riparian area, the Old Refuge area, and the Franklin Mountains would provide additional public recreation opportunities in those areas.

State Land Exchange Area

Disposal of the 10,000 acres of public land could eliminate most recreation activities on that land except hunting. The Alameda Arroyo ORV Area would be lost from management control by the BLM. Acquisition of the 5,000 acres in the Organ Mountains would provide additional public recreation opportunities and greatly

enhance the management of the recreation resources in that area.

**Cultural Resources**

Dona Ana County

Disposal of 75,304 acres of public land would remove 71 recorded sites and an estimated 1,150 unrecorded sites from management by BLM. Retention of 1,031,383 acres of public land would ensure that 819 recorded sites, as well as an estimated 15,100 unrecorded ones, continue under management by the BLM. Thirty recorded sites, along with an estimated 640 unrecorded sites, would be added to management by the BLM if 45,258 acres of State and private lands are acquired.

State Land Exchange Area

If 10,000 acres of public land are disposed of, there are 18 recorded sites and an estimated 50 unrecorded ones which would be removed from management by the BLM. Acquisition of 5,000 acres of State land would add 5 recorded sites, as well as estimated 75 unrecorded sites, to management by BLM.

**Wilderness**

Dona Ana County

Disposal of 75,304 acres would not significantly affect the wilderness values of the six WSAs. Retention of the balance of public land would allow the continuation of existing management in the WSAs. Acquisition of 19,405 acres in and immediately adjacent to the WSAs would very significantly enhance their manageability and wilderness values. Consolidation of public land ownership in the WSAs would form blocks of public land that could be more easily managed.

State Land Exchange Area

Disposal of the 10,000 acres of public land would not significantly affect the wilderness values of the WSAs. Acquisition of 520 acres immediately adjacent to the Organ Mountains WSA would enhance the manageability of that WSA.

**Livestock Grazing**

Dona Ana County

The disposal of 65,931 acres of public land on the East Mesa would have a significant impact on livestock grazing if leases are not granted or renewed. There are 388 animal units (AUs) grazed on 8 different allotments. Rangeland improvements located on these lands include 2 wells (both base waters), 2 1/4 miles of pipeline, 58 miles of fence (boundary and interior), 10 dirt tanks (2 base waters), 1 corral, and 1 erosion control structure.

Disposal of 5,437 acres of lands that are difficult to manage or where interest has been shown and 3,936 acres on the West Mesa would not have a significant impact on livestock grazing. There are 59 AUs grazed on this land in 9 different allotments. Rangeland improvements located on these lands include 17 miles of fence (boundary and interior), 6 dirt tanks, and 1 spring (base water).

Retention of the remainder of Dona Ana County (1,014,012 acres) which includes 7,743 AUs would guarantee existing livestock grazing uses to the permittee. Rangeland improvements would remain as at present.

Grazing would continue as at present in the 9,831 acres in the Franklin Mountains and 2,865 acres of the Dona Ana Mountains which would be retained and set aside for other compatible uses. Rangeland improvements would remain as at the present time.

The acquisition of 40,493 acres in and adjacent to special management areas and 1,292 acres in the Franklin Mountains would form blocked up public land which could be more easily managed. Livestock grazing would continue with 241 AUs grazed on 13 different allotments. Rangeland improvements located on these lands include 11 3/4 miles of fence (boundary and interior), 10 wells (8 base waters), 5 dirt tanks (3 base waters), and 4 springs (2 base waters) would remain as at the present time.

The 2,793 acres (private lands) to be acquired primarily for wildlife and riparian purposes

would probably not be grazed after it is acquired.

State Land Exchange Area

Within the exchange area, there are 47 AUs grazed in 3 different allotments. The Commissioner of Public Lands has stated that current livestock grazing uses would be authorized on these lands. Rangeland improvements located on these lands include 10 1/2 miles of fence (boundary and interior), 1/4 mile of pipeline, 1 trough (base water), 2 dirt tanks, and 3 concrete erosion control structures.

Acquisition of 5,000 acres of State land in the Organ Mountains would affect 57 AUs in 3 different allotments. If these lands are acquired by the BLM, grazing uses would be permitted to current holders of State grazing leases. Rangeland improvements located on these lands include 2 3/4 miles of fence (boundary and interior), 3 springs (1 base water), and 5 dirt tanks (1 base water).

**Visual Resources**

Dona Ana County

Disposal of 75,304 acres would eliminate BLM visual resource management for that land. Retention of the balance of public land would allow the continuation of existing visual resource management on that land. Acquisition of 45,258 acres would give the BLM the authority to manage the visual resources of those lands, most of which are located in or adjacent to existing special management areas classified as VRM Class II. Consolidation of public land ownership would form blocks of public land that could be more easily managed. Acquisition of 450 acres in the Organ Mountains Scenic ACEC would significantly enhance effective management of the ACEC.

State Land Exchange Area

Disposal of the 10,000 acres of public land would remove that land from management control under VRM Class III guidelines. Acquisition of the 5,000 acres in the Organ Mountains would give the BLM the authority to manage the visual resources of that land.

Social and Economic Conditions

Dona Ana County

Disposal of 75,304 acres would cause Payment in Lieu of Taxes (PILT) to decline by approximately $61,263. BLM AUs would decline by 447 AUs with a decrease in grazing fees of approximately $7,241.

If the land is acquired by the State, and livestock grazing is not allowed to continue, 17 operators could experience a loss of AUs ranging from 1 to 138 AUs depending on the particular operation. This could amount to a decrease in the operator's grazing permit value ranging from $1,200 to $165,600. If grazing is allowed to continue, then operators could experience increased costs in the form of higher grazing fees.

If the disposal includes the mineral estate, then approximately $36,463 for geothermal leases, and $22,348 in oil and gas leases could be lost annually. All revenues and royalties from future production could also be lost. Profits from future mineral material sales could also be lost if the minerals were transferred from Federal ownership. Accurate estimates of possible losses of profits from future mineral material sales can not be made at this time because of the many variables involved; estimates will be included in site-specific EAs when and if conveyances of minerals from Federal ownership are proposed.

Possible tax revenue generated could be approximately $137,572 for undeveloped land. The transfer of public land could be perceived by the public as an irreversible impact regarding availability for multiple-use purposes.

BLM managerial costs are estimated to increase by approximately 7.6 percent above 1985 managerial costs for the district.

The City of El Paso could experience significant consequences if the lands which they have applied for rights-of-way are transferred from Federal ownership. The City could experience additional costs, inconveniences, and delays in processing their applications if they are required to

renegotiate with the new landowners. Since the El Paso Water Utilities Public Service Board does not have condemnation authority in New Mexico, denial of the rights-of-way by the new landowner could be insurmountable. Mitigation of these potential impacts has been addressed by the Bureau agreeing to process the rights-of-way applications and retain the public land in Federal ownership until a final decision is made on the applications.

The retention of 1,031,383 acres of public land would continue to be available for multiple-use purposes. These lands will continue to be important for current and future users.

The acquisition of 45,258 acres of State and private lands could cause PILT to increase by approximately $8,852. Taylor Grazing Receipts are estimated to increase by $3,900. Tax revenue generated is estimated to decline by a range of $268 if the private land is classified as grazing to $19,900 if the private land is classified as undeveloped. BLM managerial costs are estimated to increase by approximately 1.4 percent above 1985 managerial costs for the Resource Area. Any attempt to consolidate the land status under BLM ownership would be favorably perceived from a multiple-use perspective.

State Land Exchange Area

The exchange of 10,000 acres would cause PILT to decline by approximately $7,500. There would be a loss of 47 AUs which accounts for a decrease in grazing fees collected of $761. Three livestock operators would be affected by the exchange. If the State does not allow grazing, the operators could experience a decrease in their grazing values ranging from $1,200 for one operator, $24,000 for another operator, and $31,200 for the third operator.

The County of El Paso would not experience any significant social or economic impacts due to the disposal of the 10,000 acres of public land on the East Mesa in Dona Ana County. Any changes that would occur in the economy would be due to unrelated factors to this alternative.

The County tax base could expand as the State of New Mexico provides land to private parties. Potential tax revenue could be approximately $16,800. As the lands are developed and the land classification changes, tax revenue generated would increase accordingly.

There is a certain amount of uncertainty among the public regarding the exchange of these lands. Some feel the generation of State revenues would take precedence over protecting multiple-use values. The acquisition of the 5,000 acres of State land would enhance the manageability of the Organ Mountain Recreation lands. Approximately 57 AUs would be transferred from the State affecting three operators.

| Component | Acres |
|---|---|
| **ALTERNATIVE I - NO ACTION** | |
| Dona Ana County | |
| **Disposal** | 1,562 |
| Isolated Tracts | 1,010 |
| Small Tracts | 552 |
| **Retention** | 1,105,125 |
| **Acquisition** | 7,742 |
| Rough and Ready Station and Fort Mason | 320 |
| Lands in Organ Mountains | 7,422 |
| State Land Exchange Area | |
| **Disposal** | 0 |
| **Retention** | 10,000 |
| **Acquisition** | 0 |
| **ALTERNATIVE II - FAVOR DISPOSAL** | |
| Dona Ana County | |
| **Disposal** | 108,118 |
| East Mesa | 83,302 |
| West Mesa | 19,379 |
| Land Difficult and Uneconomical to Manage or Where Interest Shown | 5,437 |
| **Retention** | 998,569 |
| **Acquisition** | 0 |
| State Land Exchange Area | |
| **Disposal** | 10,000 |
| **Retention** | 0 |
| **Acquisition** | 5,000 |
| **ALTERNATIVE III - PREFERRED (PROPOSED PLAN)** | |
| Dona Ana County | |
| **Disposal** | 75,304 |
| East Mesa | 65,931 |
| West Mesa | 3,936 |
| Land Difficult and Uneconomical to Manage or Where Interest Shown | 5,437 |
| Retention | 1,031,383 |
| West Mesa and Organ Mountains | 1,014,012 |
| Dona Ana Recreation Area | 2,865 |
| Franklin Mountains | 9,831 |
| Organ/Franklin Mountains Corridor | 4,675 |

SUMMARY OF ALTERNATIVES

| Component | Acres |
|---|---|
| Acquisition | 45,258[a/] |
| Lands in WSAs, Organ Mountains, and Kilbourne Hole | 40,493[a/] |
| Rio Grande Riparian Area | 2,310 |
| Old Refuge Area | 483 |
| Franklin Mountains | 1,292 |
| Organ/Franklin Mountains Corridor | 680 |
| State Land Exchange Area | |
| Disposal | 10,000 |
| Retention | 0 |
| Acquisition | 5,000 |

Source: BLM, Las Cruces District Office Files, 1986.

Note: [a/] Includes 2,080 acres of non-Federal subsurface (mineral) estate within and immediately adjacent to the West Potrillo Mountains and Mount Riley WSAs.

SUMMARY OF IMPACTS

| Resource | Alternative I Favor Retention (No Action) DAC* | SLEA** | Alternative II Favor Disposal DAC | SLEA | Alternative III Preferred (Proposed Plan) DAC | SLEA |
|---|---|---|---|---|---|---|
| LANDS | | | | | | |
| BLM Ownership | +0.69%[a/] | NC | -9.7% | -0.45%[a/] | -3.64%[a/] | -0.45%[a/] |
| ACCESS | NS | NS | NS | NS | NS | NS |
| GEOLOGY AND MINERALS | | | | | | |
| Exploration and Development | | | | | | |
| Estate Retained | NC | NC | NS | NS | NS | NS |
| Estate Lost | NA | NA | D | NA | D | NA |
| SOILS | | | | | | |
| Erosion | NC | NC | NS | NS | NS | NS |
| Sedimentation | NC | NC | NS | NS | NS | NS |
| Compensation | NC | NC | NS | NS | NS | NS |
| WATER RESOURCES | | | | | | |
| Ground Water | | | | | | |
| Quality | NC | NC | NS | NS | NS | NS |
| Quantity | NC | NC | NS | NS | NS | NS |
| Surface Water | | | | | | |
| Quality | NC | NC | NS | NS | NS | NS |
| Quantity | NC | NC | NS | NS | NS | NS |
| VEGETATION | NS | NS | - | NS | - | NS |
| Threatened and Endangered | | | | | | |
| Plants (Habitat) | - | NS | - | NS | - | NS |
| WILDLIFE | | | | | | |
| Management Opportunities | | | | | | |
| Arroyo-Riparian | NC | - | - | - | + | - |
| Big Game | NC | + | NC | + | NC | + |
| Quail | NC | NC | - | NC | NC | NC |
| Threatened and Endangered | | | | | | |
| Fauna | NC | - | - | - | + | - |
| RECREATION | | | | | | |
| Opportunities | + | NC | - | + | + | + |
| CULTURAL RESOURCES | | | | | | |
| Previously Recorded Sites | | | | | | |
| Retention | 943 | 18 | 806 | 0 | 819 | 0 |
| Disposal | 6 | 0 | 114 | 18 | 71 | 18 |
| Acquisition | 14 | 0 | 0 | 5 | 30 | 5 |

SUMMARY OF IMPACTS
(concluded)

| Resource | Alternative I Favor Retention (No Action) DAC* | Alternative I Favor Retention (No Action) SLEA** | Alternative II Favor Disposal DAC | Alternative II Favor Disposal SLEA | Alternative III Preferred (Proposed Plan) DAC | Alternative III Preferred (Proposed Plan) SLEA |
|---|---|---|---|---|---|---|
| WILDERNESS | + | NS | NS | + | + | + |
| LIVESTOCK GRAZING | | | | | | |
| Animal Units | | | | | | |
| Retention | 8,185 | +47 | 7,571 | 0 | 7,743 | 0 |
| Disposal | -5 | 0 | -619 | -47 | -447 | -47 |
| Acquisition | +118 | 0 | 0 | +57 | +241 | +57 |
| Rangeland Improvements | NS | NC | - | - | - | - |
| VISUAL RESOURCES | + | NC | - | + | + | + |
| ECONOMIC CONDITIONS[b/] | | | | | | |
| Payments in Lieu of Taxes (Dollars) | +$2,421 | NC | -$81,354 | -$7,500 | -$52,411 | -$7,500 |
| Taylor Grazing Receipts (Dollars) | +$1,831 | NC | -$10,028 | +$162 | -$3,337 | +$162 |
| Potential Tax Revenue[c/] (Dollars) | -$5,436 | NC | +$182,688 | +$16,842 | +$117,693 | +$16,842 |
| BLM Managerial Costs[d/] | +$6,217 | NC | +$329,902 | NC | +$265,529 | NC |

Source: BLM, Las Cruces District Office Files, 1985.

Notes: *DAC - Dona Ana County
**SLEA - State Land Exchange Area
[a/] Includes potential land aquisition by the BLM.
[b/] Cumulative impact for each alternative.
[c/] Assumes classification for undeveloped lands.
[d/] Las Cruces/Lordsburg 1985 Managerial Costs, $540,127.
D -- Decrease
NS -- Not Significant
NC -- No Change
NA -- Not Applicable
- -- Negative Impact
+ -- Beneficial Impact

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# PROPOSED PLAN

# PROPOSED PLAN

## HOW THE PROPOSED PLAN WAS SELECTED

The Proposed Plan was selected by a team composed of the District Manager, Area Manager, Team Leader, and appropriate team specialists. It was reviewed by the State Director. It was selected based on (a) concerns raised throughout the planning process, (b) public input received during the formal 90-day comment period and at meetings and hearings, (c) planning criteria used to evaluate alternatives, and (d) the environmental analysis developed on the previously formulated alternatives. A description of the alternatives is contained in the Draft Plan Amendment/Environmental Impact Statement (PA/EIS). The Proposed Plan also includes the guidance contained in the Management Guidance Common To All Alternatives section of the Draft (see Draft page 2-1).

## DESCRIPTION OF THE PROPOSED PLAN

This section describes the specific proposed management actions and the rationale for those actions. The Proposed Plan is illustrated on the visual located in the map pocket. The Proposed Plan is a modified version of the Preferred Alternative presented in the Draft PA/EIS. Changes to the Preferred Alternative include the retention of an additional 1,351 acres for the Franklin Mountains area and the potential acquisition of an additional 652 acres for that area. The Proposed Plan also includes the retention of 4,675 acres and the potential acquisition of 680 acres for an Organ/Franklin Mountains Corridor. In addition, it was decided to retain the public land in the Hueco Bolson until a final decision is made on the rights-of-way (ROW) applications of the City of El Paso Water Utilities Public Service Board. To aid in comparing the Proposed Plan to the Preferred Alternative, the modified wording has been highlighted.

### Objective

The Proposed Plan is designed to provide a balanced management direction for land tenure adjustment with a general goal of consolidating public, State, and private land ownership. Selected public land would be available for disposal while land with important environmental values and sensitive resources would be retained.

### Components

The following areas would be considered for disposal, retention, or acquisition. The visual in the map pocket shows the locations of the areas. (See Draft Appendix A for legal descriptions of lands in the State Land Exchange Area; legal descriptions for other proposed disposal and acquisition areas are given in Technical Report I.)

**Dona Ana County**

#### Disposal (75,304 acres)

1. Dispose of public land on the East Mesa except for areas with critical resources and areas where retention is required by laws, regulations, or policies (65,931 acres). Public land in the Hueco Bolson (Map 2-3, Final page 105) would be retained until a final decision is made on the ROW applications of the City of El Paso Water Utilities Public Service Board.

2. Dispose of selected public land on the West Mesa that has been identified by the City of Las Cruces and the State of New Mexico (3,936 acres).

3. Dispose of public land that is difficult and uneconomical to manage or where interest has been shown (5,437 acres).

#### Retention (1,031,383 acres)

1. Retain the balance of the public land that is managed for multiple-use values and selected special management areas (1,014,012 acres). On the East Mesa, the Organ Mountain Recreation Lands (OMRLs), the Organ Mountains Wilderness Study Area (WSA), and the Organ

Mountains Area of Critical Environmental Concern (ACEC) would be retained.

2. Retain areas with critical resources (17,371 acres). On the East Mesa, the Dona Ana Recreation Area (2,865 acres) would be retained for recreation resources; the Franklin Mountains (9,831 acres) would be retained for endangered plant, recreation, and visual resources; and the Organ/Franklin Mountains Corridor (4,675 acres) would be retained for recreation and wildlife resources. The Franklin Mountains and the Organ/Franklin Mountains Corridor might have ACEC potential, so those areas would be managed under temporary special management until a decision is made in a resource management plan (RMP), scheduled to begin in 1989. The temporary special management would include (a) preserving the public availability of recreation opportunities on the land, and (b) protecting the natural systems on the land to prevent degradation of wildlife values, and (c) ensuring that the land remains under management control by the BLM and is not appropriated for any other use.

Acquisition (45,258 acres)

1. Pursue acquisition of lands in and immediately adjacent to special management areas: the six WSAs, the OMRLs, the Organ Mountains ACEC, and the Kilbourne Hole National Natural Landmark (40,493 acres). This would include relinquishment of 9,794 acres of Ft. Bliss withdrawn land north of Soledad Canyon in the Organ Mountains.

2. Pursue acquisition of lands identified by BLM and by the public for BLM management programs (4,765 acres). These lands are located in the Rio Grande Riparian Area (2,310 acres), the Old Refuge area (483 acres), the Franklin Mountains (1,292 acres), and the Organ/Franklin Mountains Corridor (680 acres). As the State and private lands in the Franklin Mountains and the Organ/Franklin Mountains Corridor are acquired, those lands would be managed under temporary special management as described above under the Retention heading.

State Land Exchange Area

Disposal (10,000 acres)

1. Dispose of up to 10,000 acres of public land identified by the State of New Mexico on the East Mesa as part of the proposed State Land Exchange. Within the 10,000 acres, a total of 175 acres would continue to be set aside for existing sand and gravel claims and existing Recreation and Public Purposes (R&PP) leases. In addition, the following 340 acres would be set aside for future R&PP leases: T. 22 S., R. 2 E., Section 23, SW1/4NW1/4, N1/2N1/2NW1/4SW1/4, Section 25, NW1/4, Section 26, E1/2NE1/4; T. 22 S., R. 3 E., Section 18, S1/2N1/2NW1/4NW1/4, S1/2NW1/4NW1/4, SW1/4SW1/4 (North of Highway 70).

Acquisition (5,000 acres)

1. Acquire 5,000 acres of State land in the Organ Mountains as part of the proposed State Land Exchange.

**Summary**

A summary of the Proposed Plan components and acreages is presented below:

Dona Ana County

| | |
|---|---|
| Disposal | 75,304 |
| East Mesa | 65,931 |
| West Mesa | 3,936 |
| Land Difficult and Uneconomical to Manage or Where Interest Shown | 5,437 |
| Retention | 1,031,383 |
| West Mesa, Organ Mountains | 1,014,012 |
| Dona Ana Recreation Area | 2,865 |
| Franklin Mountains | 9,831 |
| Organ/Franklin Mountains Corridor | 4,675 |
| Acquisition | 45,258[a/] |
| Lands in WSAs, Organ Mountains, and Kilbourne Hole | 40,493[a/] |
| Rio Grande Riparian Area | 2,310 |
| Old Refuge Area | 483 |
| Franklin Mountains | 1,292 |
| Organ/Franklin Mountains Corridor | 680 |

State Land Exchange Area

| | |
|---|---|
| Disposal | 10,000 |
| Retention | 0 |
| Acquisition | 5,000 |

Note: [a/] Includes 2,080 acres of non-Federal subsurface (mineral) estate within and immediately adjacent to the West Potrillo Mountains and Mount Riley WSAs.

Rationale

Land suitable for disposal would provide (a) compensation to the State for State land in White Sands Missile Range (WSMR), (b) the base lands for possible future State and private exchanges, whereby each entity could consolidate their ownership, (c) accommodate the demonstrated needs expressed by City, County, and State Governments, other Federal agencies, or individuals, and (d) a basis for disposal of public land that is difficult or uneconomical for BLM to manage.

Public land that is in a retention area will continue to be managed by BLM for its multiple-use values. However, limited disposal will be permitted in retention areas for public purposes. Disposal in retention areas by exchange actions will also be allowed. The purpose of an exchange in a retention area would be to consolidate the ownership of each entity for management efficiency.

Acquisition of private and State lands by exchange would improve the manageability of WSAs, recreation land, riparian areas, and land for other BLM programs.

Public comment on the Draft included several letters expressing support for additional retention and acquisition of lands in the Franklin Mountains area. (See comment letters 11, 15, 17, 23, 26, 28, and 29.) The Preferred Alternative in the Draft was modified to include an additional 1,351 acres for retention and an additional 652 acres for potential acquisition for protection of the endangered plant, recreation, and visual resources on those lands.

A high level of public input was received favoring retention and acquisition of lands for an Organ/Franklin Mountains Corridor for recreation and wildlife. (See comment letters 11, 14, 15, 17, 19, 23, 26, 28, 29, and 31.) Under the Proposed Plan, 4,675 acres would be retained and 680 acres are identified for potential acquisition for an Organ/Franklin Mountains Corridor. Retention and acquisition of these lands for a Corridor would ensure the public availability of the recreation opportunities in those areas, including possible hiking and horseback riding trails connecting the Organ and Franklin Mountains. The Corridor would also facilitate wildlife movement between the two mountain ranges. Temporary special management of the Corridor would be necessary to protect the area until a RMP can be completed to consider its ACEC potential.

In the State Land Exchange Area, the Dona Ana County Planning Department cancelled their pending R&PP lease for a 10-acre Hacienda Acres Park. That acreage was then added to the general disposal category.

The environmental consequences of the Proposed Plan would remain the same as for the Preferred Alternative (Alternative III) in the Draft except as discussed above for the Franklin Mountains area and the Organ/Franklin Mountains Corridor and as discussed on Final pages 117 through 118 for Social and Economic Conditions.

CONSISTENCY OF THE PLAN

There are no known inconsistencies between the Proposed Plan and officially approved and adopted resource-related policies and programs of other Federal agencies, State and local governments, and Indian tribes.

IMPLEMENTATION, MONITORING, EVALUATION, AND MAINTENANCE OF THE PLAN

A record of decision (ROD) will be issued following publication of this final EIS on the proposed Plan Amendment. Included with the ROD will be the Final Plan Amendment.

Following completion of the Plan Amendment, implementation priorities will be established for the planning decisions to guide the order

in which decisions are implemented. The implementation priorities will be tied to the budget process and will be reviewed and updated annually to reflect new administrative policy, new departmental directions, or new BLM goals.

The effects of implementing the Plan Amendment will be monitored and evaluated on a yearly basis to inform resource managers and the public of the progress. The results being achieved under the Plan will be compared with Plan objectives.

Monitoring and evaluation will help the resource managers:

-- to determine whether an action is accomplishing the intended purposes;
-- to determine whether mitigating measures are satisfactory;
-- to determine if the decisions in the Plan are being accomplished;
-- to determine if the related plans of other Federal agencies or State and local governments or Indian tribes have changed resulting in an inconsistency with the Plan;
-- to identify any unanticipated or unpredictable effects;
-- to identify new data of significance to the Plan.

Monitoring will also help to establish long-term use and resource condition trends and will provide valuable information for future planning.

The Plan will be maintained as necessary to reflect minor changes in data. Maintenance will be limited to refining or documenting a previously approved decision. It will not expand the scope of resource uses or restrictions or change the terms, conditions, and decisions of the Plan. Maintenance will be documented in supporting records. Formal public involvement will not be necessary to maintain the Plan.

Implementation, monitoring, evaluation, and maintenance of the Plan will be in accordance with the Las Cruces District Office Supplemental Guidance 1617 (Dated July 29, 1985) and the RMP User's Handbook (NMSO Instruction Memorandum No. NM-86-411).

# PUBLIC PARTICIPATION AND COORDINATION

# PUBLIC PARTICIPATION AND COORDINATION

## INTRODUCTION

This chapter summarizes the consultation and coordination conducted in preparation of the Draft Southern Rio Grande Plan Amendment/ Environmental Impact Statement (SRGPA/EIS) and Final SRGPA/EIS. In the course of preparing this document, formal and informal efforts have been made to involve the public, other Federal agencies, and State and local Governments in the planning process. Several points of public involvement are mandated by regulations and were complied with, but numerous other actions were taken to further involve the public.

Prior to the actual writing of the document, an involved process of data gathering and other preparatory activities occurred. This process included inventory, public participation, interagency coordination, and preparation of a Management Situation Analysis (MSA). The MSA, as well as documentation of consultation and coordination efforts, are on file in the Las Cruces District Office.

The SRGPA/EIS was prepared by an interdisciplinary team of resource specialists from the Las Cruces District Resource Management Staff and Las Cruces/Lordsburg Resource Area. Table 1 lists the names and qualifications of each team member.

## PUBLIC PARTICIPATION

The planning process began in August 1985 with publication of a Notice of Intent to do a Planning Amendment and Notice of Realty Action to do a Land Exchange in the Federal Register (Volume 50, No. 153, Thursday, August 8, 1985, pages 32116-32117).

Several meetings were held in August 1985 with Las Cruces City officials, Dona Ana County Commissioners, New Mexico State University officials, and members of the Las Cruces Office Congressional delegation to gather information concerning their desires and plans. In addition, BLM and State Land Office representatives were invited to the Dona Ana County Commission Meeting in August to present a workshop on the exchange proposal.

On August 23, 1985, a scoping report was sent to approximately 800 individuals, State and Federal agencies, units of local Government, organizations, and members of private industry. Included in the report were the preliminary planning criteria which had been identified by the BLM and the proposed schedule for preparation of the SRGPA/EIS. The public was asked to evaluate the proposed criteria and to identify any significant concerns related to the land tenure adjustment issue that should be addressed in the amendment. These comments and concerns were due back to the BLM by September 23, 1985. A postage-paid comment/response form was provided with the report for the convenience of those who wanted to respond. As of September 30, 1985, 61 individuals, groups, or agencies returned the comment form with official comments. Thirty-three returned the form with no comment but indicated a desire to remain on the mailing list. Twenty returned the form requesting that they be removed from the mailing list. In addition, 11 letters were received by the District. The letters included 3 from individuals, 2 from organizations, 2 from Federal Government, 2 from City Government, and 2 from New Mexico State Government.

On September 10, 1985, a meeting/workshop of the Las Cruces District Advisory Council was held to discuss the SRGPA/EIS and to obtain information from the Council on the planning criteria and the basis for alternative formulation. Eleven individuals, other than the five council members, attended. Special invitation was extended to local and regional Governmental agencies. Those in attendance included representatives from the City of Las Cruces, Dona Ana County, Congressman Joe Skeen's Office, New Mexico State Land Office, and the El Paso Water Utilities Public Service Board.

In addition to sending the scoping booklet, the District held two public meetings. The public meetings were held at 1:30 p.m. and 7:00 p.m. on September 12, 1985 at the Las Cruces District

TABLE 1
LIST OF PREPARERS

| Name | Responsibility | Education | Experience |
|---|---|---|---|
| Marvin M. James | Team Leader | B.S., Animal Husbandry<br>Colorado State University | BLM 22 yrs. - Chief, Planning and Environmental Assistance Staff<br>Planning Coordinator<br>Environmental Coordinator<br>Realty Specialist<br>Appraiser |
| Bill Gilbert | Technical Coordinator, Recreation, Wilderness, Visual Resources | B.S., Biology<br>University of Nebraska | BLM 9 yrs. - Natural Resource Specialist |
| Bruce G. Call | Soils, Water Resources, Climate | B.S., Agriculture (Range and Soil Science)<br>New Mexico State University | BLM 8 yrs. - District Soil Scientist<br>Range Conservationist<br>Range Technician<br>USFS 6 mos. - Soil Technician<br>Forestry Technician |
| Madeline L. Dzielak | Lands, Access | B.A., Recreation<br>University of New Mexico<br>Professional Resource Management (Lands)<br>Phoenix Training Center | BLM 10 yrs. - Realty Specialist<br>Office Manager<br>Legal Clerk (Drafting) |
| Rena Gutierrez | Writer-Editor | B.A., Journalism/Mass Communications<br>New Mexico State University | BLM 8 yrs. - Writer-Editor<br>Clerk-Typist<br>Public Information Aid |
| Marylin Harkey | Cultural Resources | B.S., Elementary Education<br>B.A., Anthropology<br>New Mexico State University | BLM 1 yr. - Archaeology Technician<br>Human Systems Research 1 yr.<br>NMSU 4 yrs. - Archaeology Assistant |
| Kenneth E. Holmes | Wildlife, Threatened and Endangered Animals | B.S., M.A., Biology<br>Sul Ross State University | BLM 9 yrs - Wildlife Management Biologist<br>EPA 4 yrs. - Environmental Protection Specialist<br>Ecologist<br>Biologist<br>Corps of Engineers 3 yrs. - Biologist |
| Lorraine J. Salas | Planning Clerk/Word Processing | Las Cruces High School | BLM 2 yrs. - Area Clerk, WSRA<br>Planning Clerk (Typing)<br>Clerk-Typist |
| Gerald Sanchez | Social and Economic Conditions | B.B.A., Economics<br>New Mexico State University | BLM 6 yrs. - Regional Economist<br>Budget Analyst<br>Support Services Supervisor |
| Debbie Smith | Planning Clerk/Word Processing | Computer Science<br>Red Rocks Comm. College | BLM 6 yrs. - Planning Clerk<br>Secretary, Microphotographer<br>NPS 4 yrs - Tech. Info. Assist. |
| Michael R. Steffey | Geology and Minerals | B.S., Geology<br>New Mexico State University | BLM 9 mos. - Geologist |
| Gilbert Valencia | Cartographic Technician | Electronics<br>Las Cruces Community College | BLM 9 yrs. - Cartographic Technician |

TABLE 1
LIST OF PREPARERS
(concluded)

| Name | Responsibility | Education | Experience |
|---|---|---|---|
| Beatrice A. Wade | Livestock Grazing, Vegetation, Threatened and Endangered Plants | B.S., Forestry (Minor-Wildlife Management)<br>10 Quarters-Range Ecosystem Management<br>2 yrs.-Master's Thesis Work<br>University of Florida<br>Professional Resource Management (Range)<br>Phoenix Training Center | BLM 9 yrs. - Range Conservationist<br>University of Florida 5 yrs. - Range Research Biologist |

SUPPORT PERSONNEL

M. Isabel Diaz
Margie Guzman
Jeanie Hart
Shirley Jaramillo
Ronald G. White

CONTRIBUTORS AND REVIEWERS

Las Cruces District

H. James Fox, District Manager
William Harkenrider, Jr., Area Manager, Las Cruces/Lordsburg
Tom Birch, District Range Specialist
Robert Calkins, Chief, Division of Resource Management
Tom Custer, District Geologist
Charles Hodgin, District Planning Coordinator
Juan Padilla, District Realty Specialist
Pam Smith, District Archaeologist
C. Dwayne Sykes, District Outdoor Recreation Planner

New Mexico State Office

Chris Anderson, Air Quality Specialist
Bob Armstrong, Environmental Specialist
Ron Bartel, Petroleum Engineer
Phil Beck, Realty Specialist
Steve Fosburg, Archaeologist
Ed Heffern, Geologist
Bob Heidemann, Outdoor Recreation Planner
Bill Jonas, Geologist
Jon Joseph, Wilderness Specialist
John Kenny, Chief, Planning & Environmental Coordination Staff
Brian Mills, Wildlife Management Biologist
Charles Pettee, Hydrologist
Verlyn D. Saladen, Soil Scientist
Jerry Townsend, Range Conservationist
John W. Whitney, Natural Resource Specialist

Office. BLM personnel were available to explain the land tenure adjustment issue and associated planning criteria, and to discuss the concerns of those in attendance. Approximately 50 people attended the afternoon session, and 14 attended the evening session. In addition to the general public and concerned East Mesa residents, the following special interest groups were represented: local ranchers, City and County Government, Las Cruces Public Schools, Congressional Representatives, New Mexico Department of Agriculture, Mesilla Valley Audubon Society, White Sands Missile Range, State Land Office, El Paso Water Utilities Public Service Board, Moongate Water Company, Dona Ana County Associated Sportsmen, Inc., New Mexico Research Institute, and the El Paso Wilderness Park Coalition.

In November 1985, a letter containing the formally approved planning criteria that would be used in preparation of the SRGPA/EIS was sent to approximately 600 people.

A coordination meeting with the U.S. Army Air Defense Artillery Center at Fort Bliss, Texas was held on April 3, 1986.

Several other meetings concerning the Draft SRGPA/EIS were held with interested organizations. District personnel met with the Dona Ana County Associated Sportsmen, Inc., Mesilla Valley Grotto, Sierra Club, Mesilla Valley Audubon Society, and Wilderness Coalition on May 20 and May 28, 1986. A meeting with the Deming Gem and Mineral Society was held on May 22, 1986.

Two meetings (April 17 and July 2, 1986) were held with the Franklin Mountains Wilderness Coalition to discuss the Organ/Franklin Mountains Corridor.

Other informal coordination with the public such as telephone calls, and personal contacts have occurred in developing the SRGPA/EIS. Records of these contacts are located in the Las Cruces District Office.

CONSULTATION

Consultation with the U.S. Fish and Wildlife Service (USFWS) is required before any project initiated or approved by the BLM is implemented that may affect any Federally threatened, endangered, or sensitive plant or animal or their habitat. This consultation is required by Section 7 of the Endangered Species Act of 1973. The SRGPA/EIS is considered a major project and informal consultation was initiated with the USFWS on August 20, 1985. On September 24, 1985, the USFWS sent a list of the threatened or endangered species which may occur in Dona Ana County. The Biological Assessment was completed and sent to the USFWS on February 11, 1986. (The Biological Assessment is contained in Technical Report II, which is available for review in the Las Cruces District Office.) The Biological Opinion from the USFWS was received on July 3, 1986. Correspondence concerning the consultation process is found in Appendix D-3 of the Draft and Additions to the Draft PA/EIS section in this Final.

The BLM cultural resource management program operates in accordance with 36 Code of Federal Regulations (CFR), Part 800, which provides specific procedures for consultation between BLM and the State Historic Preservation Officer (SHPO). Memorandum of Agreement (MOA) NMSO-168 between the SHPO, Advisory Council on Historic Preservation, and the BLM New Mexico State Office became effective October 19, 1982. This MOA coordinates the provisions of 36 CFR 800 with existing BLM procedures, emphasizing the BLM planning system. The MOA incorporates procedures for exchanging information with the SHPO concerning cultural resources on public and private lands. It defines those undertakings and activities requiring or not requiring consultation and establishes reporting standards. A MOA for the Protection of Cultural Resources in State Exchange Actions was signed by the BLM State Director, the Commissioner of Public Lands, and the SHPO on February 19, 1985. This MOA and letters written by the BLM, Las Cruces District and SHPO regarding the State Land Exchange proposal are contained in Appendix F of the Draft and Additions to the Draft PA/EIS section in this Final.

PUBLIC REVIEW OF THE DRAFT

The Draft SRGPA/EIS was filed with the Environmental Protection Agency on March 19, 1986. The Notice of Availability and Public Hearings schedule were published in the March 24, 1986, Federal Register (Vol. 51, No. 56,

page 10118). The Draft SRGPA/EIS was made available to the public and the comment period started April 4, 1986. The 90-day public comment period ended July 2, 1986. Several public notices (including news releases and newsletters) were distributed announcing the availability of the Draft SRGPA/EIS and notice of public hearings. Approximately 700 copies were distributed by mail to various individuals, organizations, and government agencies. In addition, copies were available at 10 different libraries and the BLM offices in New Mexico.

In addition to members of the interested public, the Draft and Final SRGPA/EIS have been sent to:

Congressional Delegation and New Mexico State Legislators

U.S. Senator Jeff Bingaman
U.S. Senator Pete V. Domenici
U.S. Congressman Manuel Lujan, Jr.
U.S. Congressman Bill Richardson
U.S. Congressman Joe Skeen
State Senator, District 35
State Senator, District 36
State Senator, District 37
State Senator, District 38
State Senator, District 39
State Senator, District 40
State Representative, District 33
State Representative, District 34
State Representative, District 35
State Representative, District 36
State Representative, District 37
State Representative, District 51
State Representative, District 52
State Representative, District 53

New Mexico State Agencies

Agriculture Department
Bureau of Mines and Mineral Resources
Commerce and Industry Department
Department of Finance and Administration
    Museum of New Mexico
    Historic Preservation Division
    State Planning Division
Department of Game and Fish
Economic Development and Tourism Department
Energy and Minerals Department
    Oil Conservation Division
Governor's Office

New Mexico State Agencies
(continued)

Health and Environment Department
    Environmental Improvement Division
Highway Department
Human Services Department
    Office of Indian Affairs
Land Office
    Commissioner's Office
Natural Resources Department
    Administrative Services Division--Heritage Section
    Parks and Recreation Division
    Soil and Water Division
State Engineer/Interstate Stream Commission
    Water Rights Division
State Police
Taxation and Revenue Department

Texas State Agencies

Governor's Office
Texas Parks and Wildlife Department

Federal Agencies

Department of Agriculture
    Agricultural Research Service
        Jornada Experimental Range
    Agricultural Stabilization and Conservation Service
    Environmental Quality Acts
    Farmer's Home Administration
    Forest Service
    Soil and Conservation Service
Department of Commerce
Department of Defense
    Department of the Army
        Corps of Engineers
        Fort Bliss
        White Sands Missile Range
    Department of the Air Force
Department of Energy
Department of Housing and Urban Development
Department of Justice
    Immigration and Naturalization Service
        Border Patrol
Department of the Interior
    Advisory Council on Historic Preservation
    Bureau of Indian Affairs
    Bureau of Land Management

Federal Agencies
(continued)

- Las Cruces District Advisory Council
- Las Cruces District Grazing Advisory Board
- Bureau of Mines
- Bureau of Reclamation
- Fish and Wildlife Service
- Geological Survey
- National Park Service
- National Resources Library
- Office of Environmental Project Review

Department of the Transportation
- Federal Aviation Administration
- Federal Highway Administration

Department of Treasury
- Customs Service

Environmental Protection Agency
International Boundary and Water Commission

Local and Regional Governments, Agencies, and Indian Tribes

Caballo Soil and Water Conservation District
Chamber of Commerce (El Paso, Las Cruces, and Truth or Consequences)
Cities of El Paso and Las Cruces
Dona Ana County Commissioners
El Paso County Commissioners
Elephant Butte Irrigation District
Jornada Resource Conservation and Development Council
La Corporacion de los Indigenes de Nuestra Senora de Guadalupe
Lincoln County Commissioners
New Mexico Border Commission
Otero County Commissioners
Sierra County Commissioners
Socorro County Commissioners
Town of Anthony
Village of Hatch

Livestock-Related Organizations

New Mexico Cattle Growers Association
New Mexico Farm and Livestock Bureau
Sierra County Farm and Livestock Bureau
Society for Range Management
Southwestern New Mexico Livestock Grazing Association

Conservation Organizations

Albuquerque Archaeological Society
Continental Divide Trail Society
Dona Ana County Associated Sportsmen Inc.
Earth Environmental Consultants
Earth First!
Environmental Management Services Company
Franklin Mountains Wilderness Coalition
El Paso Archaeological Society
El Paso Trans-Pecos Audubon Society
Izaak Walton League
Mesilla Valley Audubon Society
Mesilla Valley Grotto
National Council of Public Land Users
National Wildlife Federation
Natural Resources Defense Council
Nature Conservancy
Nevada Outdoor Recreation Association
New Mexico Archaeological Society
New Mexico Natural History Institute
New Mexico Wildlife Federation
New Mexico Wildlife Society
Public Lands Council
Public Lands Institute
Sierra Club
- Albuquerque Group
- El Paso Regional Group
- Rio Grande Chapter
- Tularosa Basin Group

Soil Conservation Society
Texas Archaeological Society
Wilderness Society
Wildlife Management Institute

Other Organizations

Burn Construction Company, Inc.
El Paso Electric
El Paso Natural Gas Company
El Paso Water Utilities Public Service Board
Federal Land Bank Association of Albuquerque
Federal Land Bank Association of Las Cruces
Las Cruces Christian Church
Las Cruces Production Credit Association
Las Cruces School District No. 2
Minerals Exploration Coalition
New Mexico Oil and Gas Association
Public Service Company of New Mexico
Valley Transit Mix

Other Groups

Butterfield Trail 4x4 Club
Dona Ana County Historical Society
Dona Ana Rockhound Club
East Mesa Planning District
4 Wheel Drive Center
Human Systems Research, Inc.
Las Cruces Four Wheelers
Luna County Historical Society
Moongate Water Co. Inc.
New Mexico Research Institute
Picacho Gun Club

Universities and Libraries

Quivera Research Center
Wheelsport
Deming Public Library
El Paso Public Library
Lordsburg Hidalgo Library
New Mexico Southwestern Regional Library
New Mexico State Library
New Mexico State University
Library
Range Improvement Task Force
Silver City Public Library
Thomas Branigan Memorial Library
University of New Mexico
University of Texas at El Paso
Western New Mexico University

HEARINGS

Formal public hearings were held on June 4, 1986 at 1:30 p.m. and 7:00 p.m. in Las Cruces, New Mexico to receive public comments as to the accuracy and adequacy of the Draft SRGPA/EIS. Ten people attended the afternoon hearing and eight people attended the evening hearing. No oral comments were presented at either session.

COMMENTS AND RESPONSES

During the comment period (April 4 to July 2, 1986), 29 letters from the public and agencies were received. After the close of the comment period, an additional four letters were received. All letters received were responded to in the Final. Individuals or organizations who sent letters are listed in Table 2. All letters are reproduced in their entirety.

Responses have been made to all substantive comments presented in the letters. Substantive comments were considered to be those which addressed either the adequacy and accuracy of the Draft SRGPA/FIS or the merits of the alternatives or both. The responses are presented adjacent to the comments in each letter. Any additional letters received will receive full consideration in the final decision.

TABLE 2
COMMENT LETTERS RECEIVED

| Assigned Number in Order of Receipt | Name of Commentator |
|---|---|
| 1. | Southern Rio Grande Council of Governments |
| 2. | Bureau of Mines, Intermountain Field Operations Center |
| 3. | Soil Conservation Service |
| 4. | Department of Housing and Urban Development |
| 5. | International Boundary and Water Commission |
| 6. | Bureau of Reclamation, Southwest Region |
| 7. | Department of the Air Force, Environmental Planning Division |
| 8. | Joan N. Beyer |
| 9. | Sierra Club, Southwestern New Mexico Group |
| 10. | New Mexico Department of Game and Fish |
| 11. | Franklin Mountains Wilderness Coalition |
| 12. | Office of Cultural Affairs, Historic Preservation Division, New Mexico |
| 13. | Environmental Protection Agency |
| 14. | The Nature Conservancy |
| 15. | Sierra Club, El Paso Regional Group |
| 16. | New Mexico Natural Resources Department |
| 17. | Sierra Club, Tularosa Basin Group |
| 18. | National Park Service, Southwest Region |
| 19. | Texas Parks and Wildlife Department |
| 20. | Tom R. McKenna |
| 21. | Robert J. Tafanelli |
| 22. | Kevin VonFinger |
| 23. | Ben J. Zerbey |
| 24. | Department of the Army, Directorate of Engineering and Housing |
| 25. | El Paso Water Utilities, Public Service Board |
| 26. | Sierra Club, Rio Grande Chapter |
| 27. | Mrs. Robert Cosimati |
| 28. | Eleanor G. Wooten |
| 29. | El Paso Trans-Pecos Audubon Society |
| 30. | John Pittenger |
| 31. | Mesilla Valley Audubon Society |
| 32. | Dona Ana County Associated Sportsmen, Inc. |
| 33. | New Mexico State Clearinghouse Bureau |

SOUTHERN RIO GRANDE
COUNCIL OF GOVERNMENTS

*304 West Griggs*
*Las Cruces, New Mexico 88005*

***Phone (505) 523-7474***

"APPLICATION NOTIFICATION"

TO : U.S. Dept. of the Interior DATE: April 15, 1986
BLM/Las Cruces District Office
1800 Marquess St.
Las Cruces, NM 88005

FROM : Regional E.O. 12372 Clearinghouse
Southern Rio Grande Council of Governments
304 W. Griggs
Las Cruces, New Mexico 88005

SUBJECT: Applicant Notification of Receipt

Title of Proposal:
DEIS Southern Rio Grande Plan Admendment

This is to notify you that we have received your:

____Notification of Intent
____Preapplication
__X__Application and Federal 424 Form

Our preliminary review indicated this office will take the following action:

_____ Your application has been submitted to our agency and is presently being reviewed, and you may expect to receive comments by_____. The review is being coordinated by_____.
_____ We do not have review and comment to offer on this application. Thank you for sending a copy of the information to us.
_____ Additional information will be needed by this office in order to conduct a meaningful review.

An indication of summary review and comment is as follows:

__X__ Proposal is supported.
_____ Proposal is supported with recommendations.
_____ No comment on this project; however, the information is appreciated.
_____ Comments attached.

If you have any questions, please contact the Southern Rio Grande Council of Governments at the above address, or telephone (505) 523-7474.

Thank you for providing our Clearinghouse with the opportunity to review and comment upon your application.





United States Department of the Interior
BUREAU OF MINES
P. O. BOX 25086
BUILDING 20, DENVER FEDERAL CENTER
DENVER, COLORADO 80225
Intermountain Field Operations Center

April 23, 1986

Memorandum

To: William J. Harkenrider, Jr., Area Manager, Las Cruces/Lordsburg Resource Area, Bureau of Land Management, 1800 Marquess Street, Las Cruces, New Mexico 88005

From: Chief, Intermountain Field Operations Center

Subject: Review of the Draft Southern Rio Grande Plan Amendment/ Environmental Impact Statement, Dona Ana County, New Mexico

Bureau of Mines personnel have reviewed the subject document as requested and offer comments that pertain only to mineral availability in the area.

As we understand it, the Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement (SRGPA/EIS) considers certain "land exchange proposals" and other "land tenure adjustments" in Dona Ana County, New Mexico. The "land exchange proposals" refer to certain Bureau of Land Management (BLM) lands that would be exchanged for state holdings in the White Sands Missile Range and the Organ Mountains. The "land tenure adjustments" identify scattered BLM lands that would be considered for sale. Receipts of the sold land would then be used to purchase state or private land in areas where the BLM could form a group of consolidated plots that could be managed more efficiently than the presently owned scattered plots. Department of Defense (Army) would be asked to relinquish some land to BLM to complete the consolidation program.

Our interest in the plan concerns the impact such actions may have on mineral resources and their development. Proposed changes in Federal ownership apply to the surface only and, as described, would have an insignificant effect on mineral availability. The document adequately explains present and proposed conditions and is acceptable in terms of Bureau of Mines responsibilities.

William Cochran
William Cochran

United States Department of Agriculture
Soil Conservation Service
517 Gold Avenue SW, Rm 3301
Albuquerque, NM
87102-3157

April 28, 1986

Mr. William Harkenrider
Bureau of Land Management
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Harkenrider:

The DEIS for a "Proposed Land Exchange and Dona Ana County Land Tenure Adjustment" has been reviewed.

The Soil Conservation Service has no comments.

Sincerely,

Ray T. Margo, Jr.
State Conservationist

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U.S. Department of Housing and Urban Development
Fort Worth Regional Office, Region VI
1600 Throckmorton
Fort Worth, Texas 76113-2905

April 29, 1986

Mr. William J. Harkenrider, Jr.
Area Manager
Las Cruces/Landsburg Resource Area
1800 Marquess Street
Las Cruces, New Mexico 88005

Dear Mr. Harkenrider:

SUBJECT: Draft Environmental Impact Statement
Southern Rio Grande Plan Amendment

Thank you for the opportunity to review and comment on the subject draft EIS. The subject document has been reviewed by this office. We note that the EIS preparation process has involved comprehensive consultation and coordination with all levels of governmental agencies, public entities, etc. We also find that HUD has no direct program involvement within the proposed area of action. Therefore, pursuant to Sec. 1503.2 of CEQ Regulations, we submit a "no comment" response.

Sincerely,

I. J. Ramsbottom
Regional Environmental Officer

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO
THE COMMONS, BUILDING C, SUITE 310
4171 NORTH MESA
EL PASO, TEXAS 79902

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

MAY 6 1986

Mr. William J. Harkenrider, Jr.
Area Manager
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, New Mexico 88005

Dear Mr. Harkenrider:

Reference is made to the March 1986 Draft "Southern Rio Grande Plan Amendment/Environmental Impact Statement" on the proposed state land exchange and Dona Ana County land tenure adjustment.

We are pleased to advise that we find nothing in BLM's proposed action (under its preferred Alternative III) that would hinder the U.S. Section in maintaining its Rio Grande Canalization Project.

We do wish to advise that the U.S. Section does require suitable silt disposal sites occasionally in the area of Mesilla Dam. We look forward to working with BLM relative to the above requirement in the event action is taken according to BLM's preferred Alternative III.

Sincerely yours,

D. D. McNealy
Principal Engineer, Supervising

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# United States Department of the Interior

BUREAU OF RECLAMATION
SOUTHWEST REGION
COMMERCE BUILDING, 714 S. TYLER, SUITE 201
AMARILLO, TEXAS 79101-2386

IN REPLY
REFER TO: 150

MAY 16 1986

Memorandum

To: Area Manager, Las Cruces/Lordsburg Resource Area, Bureau of Land Management, Las Cruces, New Mexico

From: ACTING Regional Director

Subject: Review of the Draft Environmental Impact Statement for the Southern Rio Grande Plan Amendment, Proposed State Land Exchange, Dona Ana County, New Mexico

The Bureau of Reclamation has reviewed the subject environmental statement as requested. Our review indicates that the proposed land exchange will not directly affect any facilities or resources under the jurisdiction of the Rio Grande Project, nor will it affect any facilities or resources under the jurisdiction of the Elephant Butte Irrigation District. We have no further comments to offer concerning the proposal or the environmental statement.

Kenneth L. Peddle

cc: Commissioner, Attention: 150

DEPARTMENT OF THE AIR FORCE
AIR FORCE REGIONAL CIVIL ENGINEER CENTRAL REGION
1114 COMMERCE STREET
DALLAS, TEXAS 75242

29 APR 1986

Mr. Charles W. Luscher
New Mexico State Office
U.S. Post Office and Federal Bldg
South Federal Place
P.O. Box 1449
Santa Fe, New Mexico 87501

Dear Mr. Luscher

Thank you for allowing us the opportunity to review the Draft Environmental Impact Statement and Plan Amendment for the Southern Rio Grande Area, New Mexico.

We continue to express our support of the BLM in developing functional management plans for lands under its control. The Air Force concern for these management issues contains the need to retain use of existing and the establishment of future military flight training areas and routes which may traverse these areas.

Currently several Air Force air operations including instrument flight training routes traverse a portion of the study area. Specifically, VR 176, VR 1233, SR 210 and SR 211 traverses the study area. Although flight training areas, routes, and airspace requirements of the military are subject to change and do change frequently, it is not anticipated that new routes will be established in the immediate future.

7-1 Mission requirements, fuel costs and environmental constraints determine the decision to locate military training activities. Because of general aviation and population pressures, low level high speed flights are relegated to areas which are least accessible and sparsely inhabited. Therefore, we request that you give full consideration to how planning and management decisions made by your agency may adversely affect or restrict use of low altitude airspace by the military. The Air Force position on this matter is based on the high training and readiness values rendered by use of this low altitude airspace.

We are aware of your fire suppression activities requiring the use of aircraft, therefore, our flight crews are cautioned to remain alert for your fire suppression activities especially during the normal fire season and they are directed to avoid such activity by at least 5 nautical (5.76 statue) miles.



7-1 Full consideration has been, and will continue to be, given to how planning and management decisions made by the BLM may affect use of low-altitude airspace by the military. No impacts have been found during the development of this PA/EIS.

We are hopeful this information is useful in your planning. If additional information is needed, our staff point of contact is Mr. Raymond Bruntmyer, (214) 653-3341, or FTS 760-1341.

Sincerely

DON-MICHAEL BRADFORD, Major, USAF
Director, Environmental Planning Division

Cy to: HQ USAF/LEEV

5030 Beyer Road
Las Cruces
N.M. 88001
2 June, 1986

William J. Markenrider, Jr., Area Manager
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, N.M. 88005

Re: SRGPA/EIS on proposed State land exchange.

Dear Mr. Markenrider,

My principal concern in the proposed State land exchange is in regard to Sec 18, T22S, R3E.

As you will recall, owners of property adjacent to Sec 18 strongly opposed the construction of a Dona Ana-Hacienda Acres Park in the southwest corner of that section.

In November, 1984, the County Commission voted to table indefinitely the subject of the Hacienda Acres Park. It was my understanding at the time that BLM had not leased, and no longer
8-1 planned to lease, a portion of Sec 18 to the County for construction of a park.

However, the SRGPA/EIS (draft copy dated March, 1986) repeatedly mentions reservation by BLM of land under existing or pending lease for Dona Ana County-Hacienda Acres Park in T22S, R3E, Sec 18, S½S½ of Lot 4, NM 57117. The reserved acreage is shown in Map 2-1 of the SRGPA/EIS.

Could you please clarify this?

My only other comment is a positive one. State acquisition of Sec 18 would benefit the area by eliminating intensive ORV use and reducing rapid erosion caused by ORV's.

Sincerely,

Joan M. Beyer

Joan M. Beyer
( Mrs. Richard E. Beyer)

18

8-1 Since the publication of the Draft SRGPA/EIS, Dona Ana County has withdrawn their application for this parcel. Accordingly, the parcel has been dropped from reservation for pending recreation and public purposes lease and the Draft has been modified to reflect this change (see Final page 96).

9

SIERRA CLUB
SOUTHWESTERN NEW MEXICO GROUP
1101 3rd STREET
LAS CRUCES, NEW MEXICO 88005

William J. Harkenrider, Jr.
Area Manager
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, NM 88005

The following is to provide comments on the Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement dated March 6, 1986, by the Southwestern New Mexico Group of the Sierra Club.

Our overall objective is to have as much public land in Dona Ana County as is feasible remain under the control of BLM. We also recognize the growth and development of Las Cruces necessitates a reasonable solution to control and ownership of land surrounding the present boundaries of the city. Based on these conflicting uses we offer the following specific comments:

1. We support planned, orderly, and necessary development due to growth of Las Cruces, on the east and west mesas. We therefore support the exchange of up to 10,000 acres on the east mesa and the acquisition of 5,000 acres of state land in the Organ Mountains. In addition we support the BLM preferred Alternative to dispose of 3,936 acres of selected land on the West Mesa that has been identified by the City of Las Cruces and the State of New Mexico and to also dispose of 5,791 acres which have been identified as difficult or uneconomical to manage. However, we cannot at this time support disposal of the 71,957 acres as proposed in Alternative III.

9-1 2. We believe the city or county comprehensive long range master plans or other specific requests should be referenced to support the reasons certain tracts were recommended for disposition. The only support listed was to meet the needs "identified by the public and local, City, County, and State Government".

9-2 3. In keeping with item 1 we strongly suggest a buffer of public land be identified adjacent to the Organ Mountain Recreation area and the Dona Ana Mountains which would prohibit any development approaching or encroaching on these lands and also to assure access.

4. We do not believe the "exchange" of land in the WSMR is the proper resolution to a long standing problem. We feel that an appraised economic value should be placed on the land and the state reimbursed with DOD funds. BLM personnel have informed us informally that this type of comment should be made to our legislative representatives. We have informed our membership.

1

19

9-1 The State of New Mexico identified these lands as priority areas for base lands for future land exchanges in a memorandum dated February 18, 1985. The comprehensive plan for Las Cruces does address the possibility of expansion on the East Mesa. Although no specific plans have been developed to date, potential areawide annexations for the City of Las Cruces are delineated on Map 3-1. It is assumed by the City of Las Cruces and Dona Ana County that significant growth in Dona Ana County will occur in the Mesilla Valley, east of the Las Cruces city limits, and along U.S. Highway 70. Individuals contact the Las Cruces District Office on a daily basis, identifying parcels of public land for sale or lease for a variety of purposes.

9-2 Under the Proposed Plan, sufficient public land would be retained within the boundaries of the Organ Mountains Recreation Lands and the Dona Ana Recreation Area to protect the resource values in those areas from any approaching development. Access to the areas will be examined on a site-specific basis when considering the merits of any land disposal, as stated on Draft page 2-1.

but, would also like to have this view included as a matter of record. Also we support the military relinquishment of withdrawn lands identifed as tract number seven of Alternative III.

We appreciate the opportunity to comment on the plan amendment and look forward to more detailed implementation as the plan progresses.

Sincerely,

Ben J. Ferbey, Chairman SWNMG

GOVERNOR
TONEY ANAYA
DIRECTOR AND SECRETARY
TO THE COMMISSION
HAROLD F. OLSON

State of New Mexico

DEPARTMENT OF GAME AND FISH

STATE GAME COMMISSION
JAMES H. KOCH, CHAIRMAN
SANTA FE
A. H. GUTIERREZ, JR., M.D.
CARLSBAD
CHRISTINE DiGREGORIO
GALLUP
THOMAS P. ARVAS, O.D.
ALBUQUERQUE
JAKE ALCON
ALBUQUERQUE

STATE CAPITOL
SANTA FE
87501

June 12, 1986

Tim Read
Acting Area Manager
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, New Mexico 88005

Dear Mr. Read:

I have reviewed the Draft Southern Rio Grande Plan Amendment Environmental Impact Statement for the proposed state land exchange and Dona Ana County land tenure adjustment. I concur with your selection of Alternative III as the Preferred Alternative. This alternative best resolves the facilitation of land tenure adjustment while protecting important environmental values and sensitive resources. I would like to thank you for the opportunity to comment on the Plan, and propose two additional measures to be incorporated into the Preferred Alternative.

10-1 The first measure involves the disposal of the 300 acres of wetland/riparian habitat (30% of the BLM current holdings) and the "estimated 30 percent of the arroyo-riparian habitat type remaining on public land in the County" (p. 4-21). I am concerned over the future status of these invaluable fish and wildlife habitats, and recommend their retention by the Bureau of Land Management. The management difficulties incurred by maintaining these lands may be alleviated through the cooperation of our two agencies, and I propose we explore this option further.

10-2 The second measure for incorporation is one that insures the protection of the 2793 acres of additional riparian habitat proposed for acquisition. The Plan states that the acquired



10-1 The 300 acres of wetland/riparian habitat, although classified as such, is marginal riparian habitat separated in several small tracts that would be difficult to manage. The arroyo-riparian habitats (Draft Map 2-1) were carefully evaluated during development of the Draft for applicability of executive orders pertaining to wetlands and flood zones, and to the BLM's policies concerning wetlands and riparian areas. We concluded that the arroyo-riparian habitats, although recognized as important for wildlife, are not subject to retention requirements, special management, or title restrictions under the above executive orders or policies. We prefer to use the wetland/riparian areas and the arroyo-riparian areas for possible exchanges to acquire more important and manageable areas such as the Old Refuge and the Rio Grande Riparian Area. The BLM is very concerned about riparian habitat and has made riparian habitat the top priority for habitat management.

10-2 When riparian areas are acquired, we will develop management plans in cooperation with the New Mexico Department of Game and Fish. The management plans will include provisions for any needed withdrawals.

10-2 cont. wildlife and riparian lands would "probably" not be grazed or used for mineral material sales (pp. xxi & 4-19). These sites need to be protected and a withdrawal status from mineral development, grazing, ORV use, and other disturbance activities needs to be instituted.

Sincerely,

Harold F. Olson
Director

csp

June 21, 1986

Mr. Tim Read
Bureau of Land Management
1800 Marquess Street
Las Cruces, New Mexico 88005

Re: Draft SRGPA/EIS (March 1986)

Franklin Mountains

Organ/Franklin Corridor

Dear Mr. Read:

The Franklin Mountains Wilderness Coalition was formed in 1978 and played a central role in the events which led to the establishment of the Franklin Mountains State Park in 1979. The Park currently contains 25,000 acres and additions totaling approximately 8,000 acres will probably be made. In addition to numerous individual members, the Coalition consists of the following Texas and New Mexico organizations:

Concerned Citizens of Northeast El Paso
District IV of the League of United Latin American Citizens
El Paso Archeological Society
El Paso Cactus and Rock Club
El Paso Color Camera Club
El Paso Regional Group of the Sierra Club
El Paso/Trans-Pecos Audubon Society
El Paso Wilderness Preservation Committee
El Paso Women's Political Caucus
Friends of the Franklins
League of Women Voters of El Paso
Mesilla Valley Audubon Society
Mountain Park Association
Northeast El Paso Civic Association
Southwestern New Mexico Group of the Sierra Club
Tularosa Basin Group of the Sierra Club
Westside El Paso Civic Association.

Members are united in their concern for the Franklin Mountains in both Texas and New Mexico and dedicated to

preserving the scenic beauty and wilderness character of the Mountains.

protecting the plant and animal resources of the Mountains and preserving the whole range as an intact ecosystem,

stimulating appreciation of the natural values of the Mountains and promoting understanding of their biological, cultural, and geological features, and

encouraging recreational, scientific, and educational uses of the Mountains consistent with preserving their scenic beauty and wilderness character.

The Coalition has carefully studied the draft SRGPA/EIS, especially the land tenure proposals which relate to the Franklin Mountains, and we offer the following comment.

Franklin Mountains

The Coalition wholeheartedly concurs in the BLM's proposal to retain the area of the Franklin Mountains.

The BLM proposal covers 8,709 acres (corrected from 8,480 acres).

11-1 We believe a somewhat larger area would be more appropriate, especially for the later years, and recommend an area of 13,191 acres. Enclosure No. 1 shows the boundary of the area we are recommending, and Enclosure No. 2 the legal description.

Unquestionably, the Franklin Mountains (new Mexico and Texas) have outstanding potential for enjoyment by the public in all those ways commonly associated with natural areas.

Organ/Franklin Corridor

The Franklin Mountains extend from the Rio Grande valley northward 22.9 miles. Of the 15.1 miles in Texas, 13.6 miles are included in Franklin Mountains State Park. Of the 7.8 miles in New Mexico, the BLM owns 5.6 miles and the Army controls 2.2 miles. From the Franklins to the Organ Mountains is 4.0 miles. The Organs extend northward 17.6 miles and include the Organ Mountains Recreation Area, the Baylor Recreation Area, and the Organ Mountains Wilderness Study Area. The San Andres Mountains begin at the north end of the Organs and extend northward 66.0 miles. They include the San Andres National Wildlife Refuge. Thus, the Franklins, Organs, and San Andres constitute a cordillera which is 110.7 miles long, most of which is still natural and affords, among other things, outstanding opportunities for nature enjoyment and wildlife preservation.





11-1 Under the Proposed Plan, 9,831 acres would be retained in the Franklin Mountains area, and 640 acres of State land and 652 acres of private land would be identified for potential acquisition (see Final page 2 and revised Visual B, Final page 101). This Proposed Plan is a modification from Alternative III (Preferred Alternative) described in the Draft PA/EIS in which 8,480 acres were proposed for retention and 640 acres of State land were proposed for acquisition. The additional lands identified for retention and acquisition in the Proposed Plan, together with the Alternative III proposal, would provide excellent protection for the plant, recreation, and visual resources in the Franklin Mountains area.

The BLM is proposing to dispose of their land between the Franklin Mountains and the Organ Mountains despite the fact they are proposing to retain their part of the Franklins for the purposes of providing for recreation, preserving visual quality, and protecting endangered plants.

The Coalition believes a disposal of this interlying land would be a mistake in the context of long-term planning and recommends that the BLM retain an area of 5,360 acres for use as a corridor for two basic purposes: recreation and wildlife. Enclosure No. 1 shows the boundary of the area we are recommending, and Enclosure No. 3 the legal deecription.

Recreation. It would be a substantial and important addition to the recreation potential of both the Organ Mountains and the Franklin Mountains to provide for a corridor of proper width for north-south hiking and horseback riding trails which would connect with the trail networks which will be developed more and more in the years to come in both ranges. Eventhough some wildlife might be able to cross the Army portion of the land between the two mountain ranges, hikers and horseback riders will certainly not be permitted to move across. We believe that the corridor should be not less than 1.0 mile wide so that people will feel like they are hiking or riding in a continuation of a natural area rather than in a way closed in upon by development, and so that animals, especially the larger ones, will not be afraid to pass through because of the proximity of development.

11-2

Wildlife. It is critical to the long-term maintenance of adequate wildlife populations in the Franklin Mountains, particularly Franklin Mountains State Park, for animals, especially larger ones, to be able to move southward from the Organs into the Franklins. The Army might use their portion of the interlying land in ways which would significantly impede or altogether stop wildlife movement. The extra-loud gun which will be fired in that area might well be such an activity. Thus, it being impossible to foresee what the Army will do in the years to come, it is essential that the BLM land be retained and managed as a corridor. We think that the corridor should be not less than 5,360 acres so that disturbance from the outside will be insignificant.

In addition to keeping open the replenishment route from the north, there are other compelling biological reasons for the proposed corridor. Enclosure No. 4, prepared by Dr. Frederick R. Gehlbach, sets out such points. We have previously furnished the book Mountain Islands and Desert Seas by Dr. Gehlbach and the booklet Protection of Texas Natural Diversity: An Introduction for Natural Resource Planners and Managers containing articles by Dr. Gehlbach and others.





11-2 Under the Proposed Plan, 4,675 acres of public land would be retained, and 640 acres of State land and 40 acres of private land would be identified for potential acquisition (total 5,355 acres) for an Organ/Franklin Mountains Corridor for recreation and wildlife (see Final page 2 and revised Visual B, Final page 101). Thank you for your informative input.

11-2 cont.

As you know, Dr. Gehlbach will be coming from Baylor University to meet with BLM staff and Coalition representatives in Las Cruces on July 2 to discuss the wildlife aspects of the proposed corridor.

With regard to the issues of whether the proposed corridor should be retained, and what its size should be, good management/planning for the long-haul points to retention of the recommended area of 5,360 acres.

Conclusion

The BLM decision to retain the Franklin Mountains evidences the foresight and wisdom characteristic of good land-use planning, and the organizations and individuals of the Coalition urge the BLM to come down on the side of foresight and wisdom with regard to the proposed Organ/Franklin Corridor.

Sincerely,

LeBron Hardie

LeBron Hardie
President

540 Marthmont Way
El Paso, Texas 79912
915-534-6749

Enclosure No. 5
is the revised
topographic maps
showing the corridor.

Enclosures

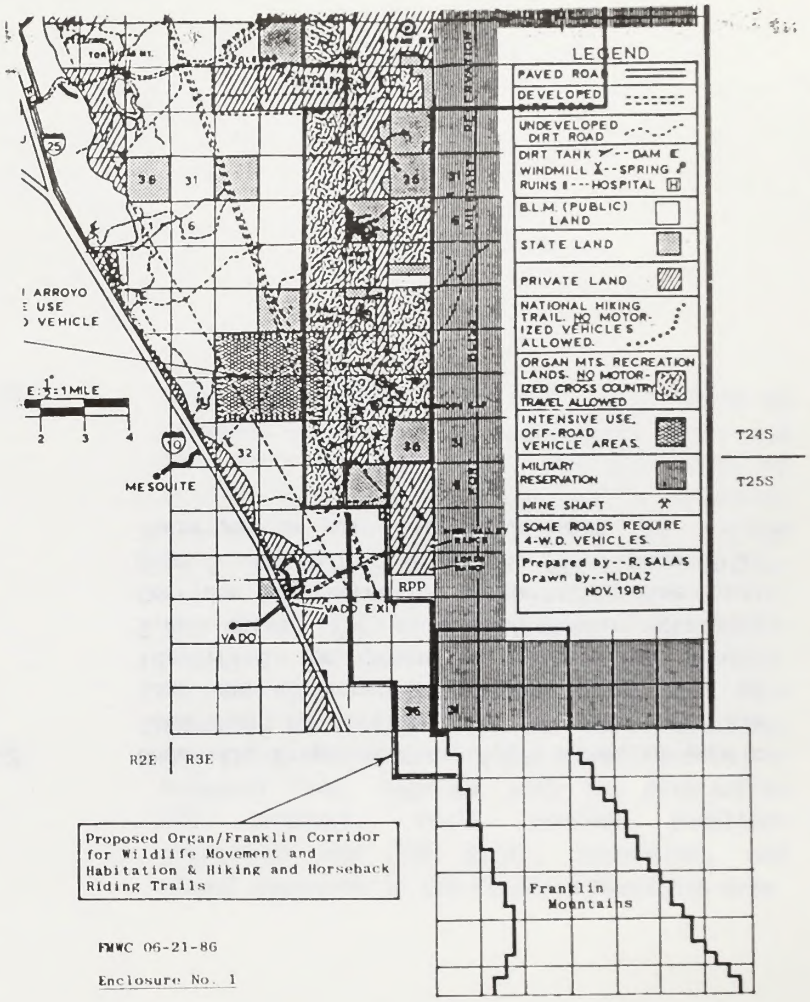
Postscript:

The Wilderness Park Coalition
has changed its name to
Franklin Mountains Wilderness Coalition.





11



Franklin Mountains

BLM Portion in New Mexico

Legal Description

T 26 S R 4 E

| | | | |
|---|---|---|---|
| Sec. 3: | W1/2SW1/4, SE1/4SW1/4 | 120 | |
| 4: | all | 640 | |
| 5: | all | 640 | |
| 6: | E1/2, E1/2NW1/4 | 400 | |
| 7: | E1/4, NW1/4NE1/4 | 200 | |
| 8: | all | 640 | |
| 9: | all | 640 | |
| 10: | W1/2, SE1/4, SW1/4NE1/4 | 520 | |
| 11: | SW1/4SW1/4 | 40 | |
| 14: | SW1/4, W1/2NW1/4, SE1/4NW1/4, SW1/4SE1/4 | 320 | |
| 15: | all | 640 | |
| 16: | all | 640 | State |
| 17: | E1/2, NW1/4, E1/2SW1/4 | 560 | |
| 20: | NE1/4, E1/2SE1/4, NW1/4SE1/4, NE1/4NW1/4 | 320 | |
| 21: | all | 640 | |
| 22: | all | 640 | |
| 23: | all | 640 | |
| 24: | W1/2SW1/4, SE1/4SW1/4, SW1/4NW1/4 | 160 | |
| 25: | W1/2, SE1/4, W1/2NE1/4 | 560 | |
| 26: | all | 640 | |
| 27: | all | 640 | |
| 28: | all | 640 | |
| 29: | E1/4, SW1/4SE1/4 | 200 | |
| 32: | Lots 1, 2, and 3, NE1/4, SE1/4NW1/4 | 263 | private |
| 33: | all | 400 | |
| 34: | all | 396 | |
| 35: | all | 393 | |
| 36: | all | 389 | private |

T 26 S R 5 E

| | | | |
|---|---|---|---|
| Sec. 30: | SW1/4SW1/4 | 40 | |
| 31: | Lots 1, 2, 3, 4, and 5, E1/2NW1/4, SW1/4NE1/4 | 230 | |
| | | 13,191 | acres |

FMWC 06-21-86

Enclosure No. 2



Organ/Franklin Corridor

Legal Description

T 25 S R 3 E

| | | | |
|---|---|---|---|
| Sec. 11: | all | 640 | 40 private |
| 14: | all | 640 | |
| 23: | all | 640 | |
| 24: | all | 640 | |
| 25: | all | 640 | |
| 26: | all | 640 | |
| 36: | all | 640 | State |

T 26 S R 3 E

| | | | |
|---|---|---|---|
| Sec. 1: | all | 640 | |

T 26 S R 4 E

| | | | |
|---|---|---|---|
| Sec. 6: | E1/2NW1/4, SW1/4 | 240 | |
| | | 5,360 | acres |

FMWC 06-21-86

Enclosure No. 3

BAYLOR UNIVERSITY
DEPARTMENT OF BIOLOGY
Waco, Texas 76798

June 19, 1986

Mr. Lebron Hardie
540 Marthmount
El Paso, Texas 79912

Dear Mr. Hardie:

Here are the points to be made in requesting the largest possible corridor of lowlands between the Organ and Franklin Mountains. These are not in any particular order, as there is no good way of prioritizing these points:

1. A corridor is necessary to permit gene flow in the form of animal and plant movement between the mountain ranges (large species require considerable room and use both lowland and upland environments). Such movements promote the genetic variation needed to maintain viable populations in the face of environmental impact by man.

2. The lowland corridor will increase topographic (physlographic) diversity of the entire landscape, hence permit some species to exist that would not live in the area otherwise. This increases species diversity and potential stability of biotic communities in the region.

3. The widest possible corridor reduces the boundary/interior ratio and hence the human interference factor as far as biotic movement is concerned. Corridors, by their nature, are long and narrow; and if width can be increased, cultural impact across the border is reduced, relative to inhabitants of the interior.

4. A corridor with water, even if only seasonal, will foster gene flow in an arid region like the present one. The topographic diversity of drainage systems within the corridor enhances movement of plants and animals as well as increases chances for water.

In summary: the larger a preserve and the greater its number of connections to the other large, natural landscapes (preserves), the potentially more stable is that land with regard to its natural values. Put another way, a large interconnected

FMWC 06-21-86

Enclosure No. 4



11



landscape resists cultural impact better than a small, disconnected (fragmented) natural landscape.

I'm enclosing two primary copies of this list of points, so that you may turn one over to BLM before our meeting.

Sincerely,

Frederick R. Gehlbach
Professor

Enclosures
FRG:eo

FMWC 06-21-86

Enclosure No. 4 (page 2)

STATE OF NEW MEXICO

OFFICE OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

TONEY ANAYA
GOVERNOR

VILLA RIVERA, ROOM 101
228 EAST PALACE AVENUE
SANTA FE, NEW MEXICO 87503
(505) 827-8320

CLARA APODACA
CULTURAL AFFAIRS OFFICER

THOMAS W. MERLAN
DIRECTOR

June 23, 1986

H. James Fox
District Manager
Las Cruces District Office
Bureau of Land Management
1800 Marquess Street
Las Cruces, New Mexico 88005

RE: Las Cruces BLM: Draft Southern Rio Grande Plan Amendment/ Environmental Impact Statement: Proposed State Land Exchange and Dona Ana County Land Tenure Adjustment (March 1986)

Dear Mr. Fox:

We have reviewed the above document for cultural resource concerns. We commend the Bureau for its proposal under the Preferred Alternative to acquire approximately 40,000 acres of non-federal lands that may contain significant cultural resources. In the areas identified for disposal in the Preferred Alternative, the Bureau has given generally appropriate consideration to cultural resources in the proposed State Land Exchange by means of preliminary planning surveys and establishment of an agreement with the State Land Office for long-term cultural resource responsibility. However, in the remaining 80,000 acres identified for disposal in the Preferred Alternative, in our opinion, the Bureau has not adequately considered the indirect and cumulative impacts on cultural resources in its land use planning process.

Federal land exchanges must comply with Sections 106 and 110 of the National Historic Preservation Act, as amended. This requires the BLM to "consider the effects" of its actions on National Register eligible or listed sites and to "exercise caution" that potentially eligible resources are not inadvertently transferred from federal ownership or control. Federal regulation 36 CFR 800 requires federal agencies to consider the effects of its actions on cultural resources as early as possible in the planning process, rather than deferring such consideration to the transaction stage.

12-1

Removing sites from federal ownership generally constitutes an adverse effect under 36 CFR 800, since the protection afforded by federal legislation is much greater than currently exists under State and local laws or regulation. Maximum retention of federal lands is generally the most desirable measure for ensuring the protection of archaeological and historic sites. When this is not feasible, federal agencies generally complete

29

12-1 For the land in Dona Ana County outside of the State Land Exchange Area, the SRGPA/EIS contains a broad, general level of planning detail and environmental analysis for potential future land tenure adjustments. At the present time, there have been no applications for any land exchanges beyond the 10,000 acres in the State Land Exchange Area. If applications are received from the State, the National Historic Preservation Act and 36 CFR 800 process will be followed. Within the framework of 36 CFR 800, Class I and Class II cultural resource surveys will occur as outlined in the Memorandum of Agreement (MOA) between the Bureau of Land Management, State Historic Preservation Office (SHPO), and State Land Office for land exchanges between the State and the Bureau. Consultation with SHPO for future exchanges will occur as outlined in V.1., paragraph 1; V.2., paragraph 1; and V.3., paragraph 1 of the MOA (see Draft Appendix F). For land exchanges between the Bureau and parties other than the State, the general requirements of the National Historic Preservation Act, 36 CFR 800, and other historic preservation mandates will be met.

intensive cultural resource inventories of sites in proposed transfer areas. If the documented sites are valuable primarily for scientific research, provision is made for excavation or other data recovery. Some sites require preservation in place. Such sites are generally excluded from proposed exchange areas and retained in federal ownership. Whenever possible, inventories should be conducted as part of the land selection planning process, rather than deferring inventory to the transaction stage.

One of the major problems with federal land exchanges is that cultural resources are rarely given meaningful consideration in the early phases of land use planning. It is BLM policy to protect and preserve representative samples of the full array of cultural resources for scientific and socio-cultural use by present and future generations. In actual practice, however, the Bureau often fails to implement that policy. For example, as part of the Navajo-Hopi land settlement last year, the Bureau disposed of some of the few remaining prehistoric village sites in the lower Rio Grande of New Mexico. This was inconsistent with Bureau policy.

In general, we feel that the Bureau has taken appropriate steps to evaluate potential impacts to cultural resources in the proposed 10,000 acre State Land Exchange area and to provide for their long-term protection. This included a sample survey conducted as part of the selection planning process. In terms of subsequent protection in this area, the State Land Office will assume the Bureau's responsibility for completing additional inventories on the remainder of the tract, under the terms of a February 1985, Memorandum of Agreement among the Bureau, the State Land Office and this office. The State Land Office will also require the completion of any necessary data recovery prior to authorizing any new use of these lands, and carry out other affirmative cultural resource management responsibilities that BLM currently has under federal law, such as protecting sites from vandalism.

12-1 cont.

In terms of the remaining land disposal areas, however, in our opinion, the Bureau has not completed cultural resource inventory or analysis adequate to identify potential impacts to cultural resources, either for specific tracts or for the cumulative impacts of the realty transactions. Page 1-3 of the DEIS indicates that Bureau specialists "identified resource inventory needs and collected data accordingly." However, under 36 CFR 800, inventory needs are to be determined in consultation with the State Historic Preservation Officer. Section 106 cultural resource consultation thus far has included only the State Land Exchange. We suggest that the Bureau initiate the consultation process for the remainder of the areas.

The EIS appears to be based on the assumption that there are adequate data to conclude that all of the cultural resources in the various disposal areas are suitable for exchange. This conclusion appears to be based on very limited amounts of existing data and no additional inventory. It also appears to assume that the proposed actions will have no effect on non-federally owned resources in Dona Ana County. In our opinion, the EIS needs to consider both indirect and cumulative impacts, rather than simply tract-specific impacts. It needs to specify and evaluate the adequacy of the existing level of cultural resource information. It also needs to identify measures to be taken to ensure that the Bureau is preserving representative samples of the full range of archaeological and historic resources in the southern Rio Grande area. Some of the latter considerations may have been evaluated at least informally by the Bureau, as evidenced by its analysis of the proposed acquisition areas on page 4-22. If so, however, this should be made more explicit.



12

We recommend that the Bureau complete a more thorough cultural resource analysis as part of the DEIS revision process. We suggest that this analysis include all of Dona Ana County rather than just the BLM tracts, since the BLM's land ownership adjustment will affect the patterns of development in adjacent areas. In our opinion, this analysis should consider level of existing data, data gaps, types of sites, ownership patterns, and geographic distribution of various types of sites across the larger area. This type of analysis can be accomplished with existing computerized data bases, such as the State's Archaeological Records Management System. This analysis should evaluate variables such as site condition and special management needs such as sites which may require preservation in place or which may merit nomination to the National Register.

12-1 cont.

We would appreciate the opportunity to review the additional cultural resource analysis prior to issuance of the final EIS.

Let us know if you have any questions.

Sincerely,

Tom Merlan

Thomas W. Merlan
State Historic Preservation Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI
1201 ELM STREET
DALLAS, TEXAS 75270

JUN 2 3 1986

Mr. William J. Harkenrider, Jr.
Area Manager
Bureau of Land Management
Las Cruces/Lordsburg Resources Area
1800 Marquess Street
Las Cruces, New Mexico 88005

Dear Mr. Harkenrider:

We have completed our review of your Draft Environmental Impact Statement (EIS) on proposed land tenure adjustments for Donna Ana County, New Mexico and proposed State land exchange. The Preferred Alternative is to provide a balanced management direction for land tenure adjustment with a general goal of consolidating public, State, and private land ownership.

We classify your Draft EIS as Lack of Objections (LO). We have no objection to your proposed action as discussed in the Draft EIS. Our classification will be published in the Federal Register according to our responsibility to inform the public of our views on proposed Federal actions under Section 309 of the Clean Air Act.

We appreciate the opportunity to review the Draft EIS. Please send our office one (1) copy of the Final EIS at the same time it is sent to the Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C.

Sincerely yours,

Dick Whittington, P.E.
Regional Administrator

# The Nature Conservancy

New Mexico Field Office
Post Office Box 1846 / Albuquerque, New Mexico 87103
610 Gold S.W., Suite 202
(505) 242-2015

June 26, 1986

Mr. William J. Harkenrider, Jr.
Area Manager
Las Cruces/Lordsburg Resource Area
Bureau of Land Management
1800 Marquess Street
Las Cruces, New Mexico 88005

Dear Bill:

This is in response to your request for comments on the proposed State Land Exchange and Dona Ana County Land Tenure Adjustment (Southern Rio Grande Plan Amendment/DEIS).

The Nature Conservancy is committed to the preaervation of natural diversity by protecting lands and waters supporting the best examples of all elements of the natural world. Relating this to the proposed land exchange, we favor land ownership that will best achieve these ends, in this case public ownership under BLM management where rare or sensitive plants or animals are known to occur. Thus we can support the preferred alternative where it will "...provide a balanced management direction for land tenure adjustment with retention of land with important environmental values and sensitive resources."

14-1 We understand that field aurveys for T&E plant apecies were not done specifically for this proposal but that T&E plant information came from general surveys done some years ago. We recommend that a survey for the cactus, Opuntia arenaria, be conducted on all lands bordering the Rio Grande within the study area before selected lands on the East and West Mesas are released for exchange. Our concern is that critical habitat for this Federal candidate species not be turned over to development.

14-2 On another matter, we believe it is deaireable from the standpoint of wildlife ecology to retain a public land corridor between the Franklin and Organ Mountains and recommend that the final plan provide for this.



14-1 A site-specific Environmental Assessment and a field clearance would be done on these lands along the Rio Grande before the land was disposed or exchanged. Opuntia arenaria, sand prickly pear, a Category II candidate species is still under review for listing. As such, the species and its habitat are not protected and these lands can be disposed or exchanged until such time as the species is listed. If the plant is listed, these lands would be retained in Federal ownership unless disposal would promote management of this species.

14-2 See response to Comment 11-2.

June 26, 1986
Page Two

I had thought we were on your mailing list for planning documents such as this one, but we did not receive the amendment/EIS draft until I was alerted to it on a chance visit to your State Office two weeks ago. If this responee is slightly past your deadline, I ask that it be accepted. Please place The Nature Conservancy on your mailing list for all future District planning documents open for public review. We appreciate the opportunity to oomment on this one.

Sincerely,

William W. Dunmire
NM Public Lands Coordinator

SIERRA CLUB

EL PASO REGIONAL GROUP
P.O. BOX 9191 EL PASO, TEXAS 79983

June 27, 1986

Mr. Tim Read
Area Manager
BLM
1800 Marquess
Las Cruces, New Mexico 88005

Subject: Draft SRGPA/EIS (Mar. 86)

Dear Mr. Read:

The El Paso Regional Group of the Sierra Club has for many years been involved in various efforts to preserve the Franklin Mountains, and has been an active member of the Franklin Mountains Wilderness Coalition since its formation in 1978.

The Coalition is making two recommendations concerning the Franklin Mountains: (1) retention by BLM of an area of 13,191 acres for the Franklins, and (2) retention by BLM of an area of 5,360 acres for an Organ/Franklin Corridor to preserve, for recreation and wildlife, the BLM land which connects the Organs and the Franklins.

We are encouraged by the BLM's proposal to retain 8,709 acres for the Franklin Mountains. We think the Coalition's recommendation is more desireable , however, because of future developement which will eventually surround the area.

15-1

The Group strongly recommends acceptance by BLM of the Coalition's recommendation for the corridor. The proposal to link the Organs and the Franklins is sound and deserving of adoption by BLM. It is vital to Franklin Mountains State Park for wildlife to be able to move from the Organs into the Franklins. It would also be highly beneficial for recreationists to be able to traverse the land between the two mountain ranges. The prospect of a 100-mile trail through the natural beauty of the Franklins, Organs, and San Andres is exciting, and such a trail could be a reality if the corridor had been retained.

Sincerely,

Gary Williams
Chair Person

To explore, enjoy, and protect the Nation's scenic resources



15-1 See responses to Comments 11-1 and 11-2.

STATE OF NEW MEXICO
NATURAL RESOURCES DEPARTMENT

TONEY ANAYA
Governor

RESOURCE MANAGEMENT & DEVELOPMENT DIVISION
VILLAGRA BUILDING, SUITE 129
SANTA FE, NEW MEXICO 87503
(505) 827-7830

LEO GRIEGO
Secretary

June 24, 1986

William J. Harkenrider, Jr.
Area Manager
Las Cruces/Lordsburg Resource Area
1800 Marquass Street
Las Cruces, New Mexico 88005

Dear Mr. Harkenrider,

This letter is in response to the Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement that we received from your office. We have several points of concern about the endangered and sensitive plant species that are liated in the document. It is not clear in the draft how much survey was done on BLM exchange lands to locate listed or sensitive species. It is evident that you know of locations of two species, Coryphantha sneedii var. sneedii and Opuntia arenaria. Of particular concern is Coryphantha sneedii var. sneedii (listed by the U.S. Fish and Wildlife Service and the N.M. Natural Reaources Department as endangered). Have you looked to see if thia speciea occurs in the areas marked for disposal in the Franklin Mountains in addition to the locatione that you mention on lands that will remain in BLM control? We would appreciate hearing from you regarding these points. 16-1

Thank you for the opportunity to comment on the draft plan.

Sincerely,

Anne Cully

Anne Cully

35

16-1 The Franklin Mountains would be retained under the Proposed Plan (Final page 2). Before any land is exchanged or disposed, a site-specific Environmental Assessment and a field clearance would be done on the land. If the Federally-listed species, Coryphantha sneedii var. sneedii, was found, the plant and its habitat would be retained in Federal ownership unless disposal would promote management of this species.

SIERRA CLUB

Tularosa Basin Group of the Sierra Club
Post Office Box 207
Alamogordo, New Mexico 88310

June 26, 1986

Mr. Tim Read
Area Manager of Las Cruces/Lordsburg
Resource Area
Bureau of Land Management
1800 Marquess Street
Las Cruces, New Mexico 88005

Ref: Draft Southern Rio Grande Plan Amendment
and Environmental Impact Statement dated
March, 1986

Franklin Mountains and Organ/Franklin Corridor

Dear Mr. Read:

Our Group has considered the draft document and has the following comment in connection with the Franklin Mountains and the Organ/Franklin Corridor being proposed by the Franklin Mountains Wilderness Coalition.

We are in complete accord with the Coalition's proposals on the Franklins and the proposed corridor and want to emphasize our support for the proposals by this letter.

We think the BLM has arrived at a good decision on the Franklin Mountains, although the larger area in the Coalition proposal would be better in the long run.

17-1 Concerning the corridor proposal, certainly the BLM should not let the critical connecting land slip out of BLM control. To do so would surely be looked back on as a misjudgment in terms of good planning not only for now but even more so for the future.

The Tularosa Basin Group urges the BLM to retain the Franklin Mountains and to retain the Organ/Franklin Corridor as proposed by the Coalition.

Sincerely,

for Norm Martin
Norm Martin
Chairman

by Harold P. Reynolds, Vice Chair.

17-1 See responses to Comments 11-1 and 11-2.

United States Department of the Interior
NATIONAL PARK SERVICE
SOUTHWEST REGION
P.O. Box 728
Santa Fe, New Mexico 87501

IN REPLY REFER TO

L7619(SWR-PE)

JUN 27 1986

Memorandum

To: Area Manager, Las Cruces/Lordsburg Resource Area,
Bureau of Land Management, Las Cruces, New Mexico

From: Associate Regional Director, Planning and Cultural Resources,
Southwest Region

Subject: Review of draft plan amendment/environmental impact statement for the Proposed State Land Exchange and Dona Ana County Land Tenure Adjustment, Dona Ana County, New Mexico (DES 86/12)

We have reviewed the subject document and find that it adequately addresses the concerns of this agency. Also, in future, please send three (3) copies of the final statement to the Washington Office of the National Park Service.

We appreciate the opportunity to review this document.

Eldon G. Reyer

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Laredo
DR. RAY E. SANTOS
Lubbock

TEXAS
PARKS AND WILDLIFE DEPARTMENT
4200 South Oakwood Road Austin, Texas 78744

CHARLES D. TRAVIS
Executive Director

June 26, 1986

Mr. Tim Read
Bureau of Land Management
1800 Marquess Street
Las Cruces, New Mexico 88005

RE: Proposed land tenure adjustments in Dona Ana County.

Proposed Organ/Franklin corridor.

Dear Mr. Read:

The Texas Parks and Wildlife Department is the managing agency for the Franklin Mountains State Park.

Department steff has examined the Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement (March, 1986) which includes proposed land tenure adjustments involving BLM lands in Dona Ana County, and we have discussed with the Franklin Mountains Wilderness Coalition their proposal that the BLM provide for a corridor of 5,360 acres to connect the Organ Mountains and the Franklin Mountains for the habitation of wildlife and the movement of wildlife from range to range, and for the establishment of trails.

19-1

It is critical to the long-term maintenance of adequate wildlife populations in the Franklin Mountains, and especially the Franklin Mountains State Park, for wildlife to be able to move southward from the Organ Mountains. The Army might use their portion of the intervening land in ways which would reduce or stop wildlife movement and, therefore, the BLM land must be kept open.

It would be a major addition to the recreational opportunities of the Organs and the Franklins, and specifically the Park, for north-south link of trail systems which will undoubtedly be increasingly developed in both mountain ranges. Although some wildlife might be able to move across the Army land, people will certainly not be allowed to do so.

We concur in the Coalition's corridor proposal and request that the BLM adopt it.

Sincerely,

Charles D. Travis
Executive Director

19-1 See response to Comment 11-2.

Tom R. McKenna
McKenna Ranch
P. O. Box 355
Las Cruces, New Mexico 88004

June 27, 1986

Mr. Tim Read
Area Manager
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, New Mexico 88005

RE: 1600 (036) SRGPA/EIS on proposed land tenure adjustments for Dona Ana County, New Mexico, and proposed State land exchange

Dear Mr, Read:

If one looks at the checkerboard ownership of land between the state and federal governments it is understandable that consolidation is necessary from a management stand point. I feel however that the current land exchange proposal as outlined in alternative III is a rather short sighted approach to what is the ultimate and worthy goal of consolidation of state and federal land ioto more manageable units.

Both state and federal agencies need to be looking at the future benefits of consolidation patterns -- not just the immediate and short term effects.

Dona Ana County, New Mexico is one of the most rapidly growing metropolitan areas in the Southwestern United States. The greater Las Cruces Economic Development Council estimated 1984 population for the Las Cruces Metropolitan Statistical Area to be 114,925 with an annual growth rate of 4.8% or approximately 20,000 per year since 1980. Albuquerque, the state's largest area had a growth rate of 1.725% for the same period. This rapidly growing area of Las Cruces will require two major resource inputs -- land and water.

The "Urban Sprawl" of Las Cruces, New Mexico is rapidly gaining momentum and the general direction of growth is and must be, due to geographic restrictions, to the west and southwest of the city. Growth is limited to the east and north by the Organ Mountains, Fort Bliss, White Sands Missile Range, San Andres Wildlife Refuge, and the Jornada Experimental Range. Thus further growth of the city will logically be to the wast and southwest. One need only look at the land use of the City of El Paso, Texas during the past twenty years to appreciate the rapid conversion of rural to urban lands by a rapidly growing metropolitan area.

One of the most limiting factors to growth and development of a metropolitan area is availability of quality water resources. Dona Ana County, New Mexico is fortunate to have an abundance of quality ground water located 100 to 500 feet below the surface that will yield in the range of 100 to more than 500 gallons per minute.

The quality and abundance of Dona Ana County's water resources is evidenced by the current legal dispute with El Paso, Texas over their desire to export water from Dona Ana County to meet their needs. The State of New Mexico and Dona Ana County are rightfully concerned that the future needs of New Mexico and Dona Ana County are fully addressed prior to any export approval of the State's water resources.

When considering any land exchanges with the Federal government, the State of New Mexico should fully consider the implications of relinquishing control of surface right of land in the "path of development" and of land under which lies the most valuable mineral resource necessary for further economic development -- quality water.

Given the current and estimated population growth of Dona Ana County, New Mexico and the directions in which the growth will have to occur, the State of New Mexico should consider no land exchange that increases federal holdings in the south or southwestern portion of Dona Ana County. Rather, the state should be attempting to trade state holdings elsewhere for federal holdings in south and southwestern Dona Ana County. It is not logical for the state to relinquish control of land now that will have to be reacquired, if available, in the not to distant future.

20-1 Based on these points, I am therefore in favor of Alternative II, but I am definately opposed to Alternative III. I consider this to be an alternative approach and request a response at your earliest convenience.

Sincerely yours,

Tom R. McKenna

TRM:sm
cc: Governor Tony Anaya
Senator Pete Dominici
Congressman Joe Skeen
Mr. Ron White, USDA
State of New Mexico Land Office

40

20-1 The Proposed Plan is a modified version of Alternative III (see Final pages 1 through 4). An active disposal and acquisition program would provide more effective management of the public land. A Memorandum of Understanding exists between the BLM and the New Mexico State Land Office to establish a comprehensive, long-term Statewide Exchange Program (See Appendix K, Final pages 131 through 133). For land in Dona Ana County outside of the State Land Exchange Area, site-specific analyses will be completed when and if specific land tenure adjustments are proposed.

Dr. Robert J. Tafanelli
3957 Westview
Las Cruces, NM 88005

June 26, 1986

Mr. Tim Read
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Read:

I have carefully reviewed the Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement on land exchange in Dona Ana County. My objective is to give the greatest protection to as much land remaining in public ownership as possible. I recognize that the city of Las Cruces is growing, but I believe this growth should not occur in the valley and it should be controlled and planned. In particular, BLM should identify areas such as arroyos as unsuitable for development as housing or business sites. The folly of building in such areas is evident in cities like El Paso. I would like to offer the following comments:

21-1 1) A land trade of 73,560 acres of BLM land on the East Mesa results in a net loss in land base to BLM (and the public) and is unacceptable. The fair market value of the state land should be determined and the state paid for the land out of the defense budget as has been done in previous land disposals. If the 73,560 acres must be traded, the BLM must receive in return the 5,000 acres of state land identified in the Organ Mountains and the 10,000 acres of military land identified as area seven in Soledad Canyon. All additional lands on the White Sands Missile Range that are currently under litigation should not be considered for trade but should be purchased with defense dollars, if and when that becomes necessary.

21-2 2) I support a land exchange between BLM and private individuals for all lands in the Organ Mountains. However, a buffer zone of at least two miles should be maintained under BLM control west of the gravel road which parallels the west side of the Organ Mountains. This buffer should extend south to El Paso.



21-1 An appraisal will be completed to determine fair market value of the land involved in the exchange, and any future land disposal actions in accordance with the principles in the Interagency Department of Justice publication entitled "Uniform Appraisal Standards for Federal Land Acquisitions".

The value of the lands exchanged either shall be equal, or if they are not equal, the values shall be equalized by the payment of money as the circumstances require so long as payment does not exceed 25 percentum of the total value of the land or interests transferred out of Federal ownership. The amount of the payment of money shall be kept to as small an amount as possible.

The 5,000 acres of State land identified in the Organ Mountains is currently being addressed in the SRGPA/EIS as part of the proposed State Land Exchange Area. The 10,000 acres of military land in Soledad Canyon would have to be addressed as part of the BLM withdrawal review process.

All future land exchanges involving the New Mexico State Land Office will be in accordance with the regulations concerning equal value as well as Memorandum of Understanding NM-212 between the BLM and New Mexico State Land Office (see Appendix K, Final pages 131 through 133).

21-2 Under the Proposed Plan, all public land in the Organ Mountains Recreation Lands, the Organ Mountains Wilderness Study Area (WSA), and the Organ Mountains Area of Critical Environmental Concern (ACEC) would be retained and all State and private lands within, and immediately adjacent to those areas, would be identified for potential acquisition. The boundary of the Organ Mountains Recreation Lands is located 1 mile west of the gravel road which parallels the west side of the Organ Mountains. Sufficient public land would be retained within these boundaries to protect the resource values in the Organ Mountains. In addition, the Proposed Plan includes retention and acquisition of the Franklin Mountains and a corridor between the Organ and Franklin Mountains (see Final page 2).

2.

3) I support future trade agreements between BLM and the State. However, it appears from the Draft that BLM proposes a trade of 41,001 acres of state land, mostly in WSA's for 81,684 acres on the east and west mesas. This does not seem to be a trade of equal value. Surely 81,684 acres near Las Cruces are worth many times the 41,001 outlying acres. A better trade would be one of equal value to include all state lands west of the Rio Grande in Dona Ana County including the 41,001 acres. The BLM land for disposal on the East Mesa should also be reduced by retention or acquisition of approximately the eastern two-thirds of R3E, T22S; R3E, T23S; R3E, T24S; the eastern one-third of R3E, T25S and the western two-thirds of R4E, T26S.

21-3

4) In the final draft, the scattered parcels of state and private lands to be traded should be better identified and specific reasons for trade on individual basis be stated so they can be better evaluated.

21-4

I believe the above comments will help to make a better trade and one more in the public interest. Thank you for this opportunity to comment.

Sincerely,

Robert Tafanelli

Robert J. Tafanelli

RJT:cjs



21-3 The BLM and the State Land Office have agreed to consider massive exchanges to block land ownership just as the comment suggests. Exchange negotiations are in process. Exchanges would be completed in accordance with the following policies and regulations.

All disposals and acquisitions discussed in the SRGPA/EIS are potential disposals and acquisitions, with the exception of the State Land Exchange proposal which was proposed by the New Mexico State Land Office and is analyzed in detail in this document. Other disposals and acquisitions will be considered on a site-specific basis as proposals are made and applications processed. In some cases, land exchanges have been or could be, proposed by State or private landowners; in other cases, BLM could propose land exchanges.

An appraisal will be completed to determine fair market value of the land involved in the exchange, and any future land disposal actions in accordance with the principles in the Interagency Department of Justice publication entitled "Uniform Appraisal Standards for Federal Land Acquisitions".

The value of the lands exchanged either shall be equal, or if they are not equal, the values shall be equalized by the payment of money as the circumstances require so long as payment does not exceed 25 percentum of the total value of the land or interests transferred out of Federal ownership. The amount of the payment of money shall be kept to as small an amount as possible.

All future land exchanges involving the New Mexico State Land Office will be in accordance with the regulations concerning equal value as well as Memorandum of Understanding NM-212 between the BLM and New Mexico State Land Office (see Appendix K, Final pages 131 through 133).

21-4 As the lands referenced are within the Dona Ana County area, site-specific analysis will be completed later when specific land tenure adjustments are proposed and applications processed (see Draft page 1-1).

June 27, 1986

Kevin von Finger
4117 La Adelita
El Paso, TX 79922

Mr. H. James Fox
District Manager
Dept of the Interior
Bureau of Land Mgmt
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Fox,

The following comments are submitted in response to your Rio Grande Plan Amendment EIS.

1. You discuss impacts as if your proposed action and its consequences ended with transfer of title. Nowhere do you discuss impact to natural resources due to development of transferred lands. Basis for assumption that lands will be developed are as follows. During a meeting at the BLM Las Cruces District office regarding transfer lands a member of the New Mexico Land Commission had identified about half the lands you propose to transfer as those which the state would like to acquire. Asked by me whether lands acquired by the state would be developed, the representative replied yes. After this meeting BLM staff indicated to me that virtually all lands transferred would eventually be developed. I posed this question to staff at the state office and received the same reply, and your state director indicated the transfer lands were for the expansion of local cities, in particular Las Cruces. Regulations implementing the Natural Environmental Policy Act require that if an action predisposes something else to occur, that predisposed action (here, development) must be addressed. Therefore address impacts due to development. This should include loss of habitat, recreation, etc. Specifically:

22-1

(1) loss of arroyo riparian - is this significant? Include in your analysis of significance that habitat already lost around the Organ Mts. Note that Ft. Bliss range construction during and since World War II has eliminated or altered much of this particular habitat. Any more loss could be significant for our Organ Mts.

(2) Endangered Species, state and federal. Effects of development on these are not addressed. The analysis as it now exists is garbled and hard to follow, and you arrive at no conclusions.





22-1 As stated in Assumption 5 on Draft page 4-1, end uses of the 10,000 acres of public land in the State Land Exchange Area proposed for disposal cannot be credibly forecast except what has been given in the State of New Mexico's letter on what they intend to do with the land (Draft Appendix J). The State has indicated that they would develop a Master Land Use Plan including public participation and review should they decide to put the land to a higher and better use.

For the land in Dona Ana County outside of the State Land Exchange Area, the SRGPA/EIS contains a broad, general level of planning detail and environmental analysis for potential future land tenure adjustments. When and if specific land tenure adjustments are proposed and applications processed, site-specific analyses will be completed.

(3) If lands containing intensive use ORV areas are transferred, will ORV enthusiasts utilize currently unimpacted land and affect wildlife, vegetation, and soils? Arroyo riparian areas? Endangered species?

22-1 cont.

(4) Expansion of residential development throughout transferred lands, in particular adjacent to the Organ Mts, could result in considerable natural resource degradation due to increased human activity, illegal removal of plants, etc. Such may occur now, but will increase significantly if residential development occurs in transferred lands. The Franklin Mts. are a case in point and are receiving significant impacts of this nature due to encroaching development. Now is the time for BLM to address this problem and management and mitigation measures (fences, patrols, etc).

22-2

2. Your plans to acquire lands, in particular in the Organs and along the river, is commendable. How confident are you of such acquisition? It all sounds good, but do you have any basis for saying lands can be acquired? For example, you state there are Ft. Bliss lands in the Organ Mts that could be relinquished, yet you never even attempted to contact Ft. Bliss and inquire if this was so (and for the public's information Ft. Bliss cannot so relinquish this land). I suspect the remainder of your potential land acquisition is a "want list" only. This misleads the public, who may for example, think that the loss of BLM riparian habitat will be balanced by acquisition of other riparian areas, yet there may be no basis for this assumption whatsoever. Impacts discussion habitat loss are therefore more severe if there will be no replacement in kind. Impacts should address habitat loss and whether replacement in kind is assured or only a want list.

22-3

3. Members of your staff indicated to me that detailed impact analysis would be undertaken at the time each individual parcel was being considered for transfer. Is this detailed analysis not going to be included in the EIS? Note that addressing impacts separately for each parcel as they are processed is "piecemealing" the action and as such is illegal.

Thank you for the opportunity to comment on this action.

Sincerely,

Kevin Von Finger

Kevin von Finger





22-2 All disposals and acquisitions discussed in the SRGPA/EIS are potential disposals and acquisitions, with the exception of the State Land Exchange proposal which was proposed by the New Mexico State Land Office and is analyzed in detail in this document. Other disposals and acquisitions will be considered on a site-specific basis as proposals are made and applications processed. In some cases, land exchanges have been or could be, proposed by State or private landowners; in other cases, BLM could propose land exchanges. A Memorandum of Understanding exists between the BLM and the New Mexico State Land Office to establish a comprehensive, long-term Statewide Exchange Program (see Appendix K, Final pages 131 through 133). Many of the areas designated for acquisition would be acquired through BLM/State exchanges. BLM and the State Land Office are actively engaged in exchange negotiations at this time.

BLM has received many public comments over the past several years and during the development of this PA/EIS asking that BLM seek relinquishment of Fort Bliss withdrawn land in the Organ Mountains. The potential relinquishment of that land is also part of BLM's Organ Mountains Recreation Plan. BLM attempted to arrange a meeting with Fort Bliss to discuss this PA/EIS prior to publication of the Draft, but Fort Bliss did not respond until after the Draft was printed. The potential relinquishment of the Fort Bliss withdrawn land in the Organ Mountains will be considered in detail during BLM's withdrawal review process.

22-3 The SRGPA/EIS contains a broad, general level of analysis for land in Dona Ana County outside of the State Land Exchange Area. Site-specific, detailed analysis will be undertaken later when and if specific proposals are made. This concept is known as tiering and is fully acceptable under the Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA)(40 CFR 1508.28).

SIERRA CLUB ** Rio Grande Chapter
SOUTHWESTERN NEW MEXICO REGIONAL GROUP
1101 3rd Street, Las Cruces, N.M., 88005

June 30, 1986

William J. Harkenrider, Jr.
Area Manager, Buresu of Land Management
Las Cruces/Lordsburg Resource Area
1800 Marquess St.
Las Cruces, N.M. 88001

Subject: Draft S. Rio Grande Proposed Exchange/EIS

Desr Mr. Harkenrider:

The following comments are submitted in addition to our earlier letter sent to your office on June 15, 1986.

1. Partial Support for Preferred Alternative - As mentioned in our first letter, we believe that BLM should continue to manage most of the lands it now controls in Dona Ana County. There are advantages to the natural environment under Preferred Alternative III which seen to outweigh the disadvantages. We do believe that BLM should move slowly in disposing of the 71,957 acres of land on the East Mess and especially not to dispose of these lands as trading stock for the 73,560 acres of state lands in the White Sands Missle Range. We do not believe the latter exchange to be in the public interest.

23-1 2. Franklin Mountains and Organ/Franklin Corridor - Our Group is a member of the Franklin Mountains Wilderness Coalition. We fully support the Coalition's proposal for the retention of an area of 13,191 acres for the Franklin Mountains. We believe that the Coalition's proposal for a corridor of 5,360 acres is excellent. The Southwestern New Mexico Croup believes that the preservation of the Franklins for recreation and wildlife should be an important land-use objective of BLM, and that it would be an error in planning to fail to retain the connecting public land between the Organ Mountains and the Franklin Mountains.

We are enclosing a copy of our earlier comment letter.

Sincerely yours,

Ben J. Zorbey
Chairman, S.W. N.M. C.

*To explore, enjoy, and protect the nation's scenic resources*



23-1 See responses to Comments 11-1 and 11-2.

DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
FORT BLISS, TEXAS 79916-5000

REPLY TO ATTENTION OF

June 30, 1986

Directorate of
Engineering and Housing

Mr. William J. Harkenrider, Jr.
Area Manager
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, New Mexico 88005

Dear Mr. Harkenrider:

This responds to the District Manager's March 1986 letter requesting comments on the Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement.

As outlined in Major General Infante's letter to the State Director, Bureau of Land Management, Mr. Charles W. Luscher, on April 18, 1986, Fort Bliss cannot relinquish 16 sections of land within its Dona Ana Firing Range.

These sections have been used as an impact area since the 1940's and are highly contaminated with various unexploded ordnance, ranging in size from 20mm to 120mm (see enclosures). Department of the Army policy precludes access into a former artillery firing range until it has been cleared of unexploded ordnance and so certified. Clearing of these sections is unrealistic due to the degree of contamination and the rugged nature of the terrain.

24-1

The various ranges at Dona Ana are vital to the defense posture of this nation since they provide tank and artillery firing points for the training of Active Army, Reserve, and National Guard units. This land use is a matter of public record having been published in June 1979 (draft) on the Fort Bliss Ongoing Mission Environmental Impact Statement. The need for this range continues to grow with the development and fielding of new weapons whose range and fire power continue to increase.

Another topic of concern is the proposal to dispose of land close to the western and southern boundaries of Fort Bliss. The Army Environmental Hygiene Agency has completed a new study of the noise generated by weapons fired on the

24-2

47

24-1 Those lands, retention or disposal, would have to be addressed as part of the BLM withdrawal review process.

24-2 All disposals and acquisitions discussed in the SRGPA/EIS are potential disposals and acquisitions, with the exception of the State Land Exchange proposal which was proposed by the New Mexico State Land Office and is analyzed in detail in this document. Other disposals and acquisitions will be considered on a site-specific basis as proposals are made and applications processed.

Dona Ana firing ranges which supplements their 1976 study. The study indicates that part of the land proposed for disposal lies within a noise zone 2 as defined by Housing and Urban Development criteria. See enclosed map which also shows that noise zone 3 lies totally within Fort Bliss. These noise levels and associated ground vibrations should be considered in your planning for the disposal and future land uses.

24-2 cont.

Sincerely,

Joseph P. Kieh
Colonel, Corps of Engineers
Director, Engineering and Housing

Enclosures



NOTE: The following enclosures were received by the BLM in the Department of the Army's letter and are available for public review in the Las Cruces District Office.

- 3 photographs of grid maps showing Impact Areas
- 4 blue line grid maps showing Noise Zones (Newman, Organ Peak, White Sands, La Mesa)

EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD

320 SOUTH CAMPBELL ST. • P.O. BOX 511 • EL PASO, TEXAS 79961 • PH. 915/533-9701

July 1, 1986

Mr. William Harkenrider, Jr.
Area Manager
Las Cruces/Lordsberg Resource Area
800 Marquess Street
Las Cruces, New Mexico 88005

Draft Southern Rio Grande Plan Amendment/
Environmental Impact Statement

Dear Mr. Harkenrider:

The El Paso Water Utilities, Public Service Board (El Paso or City) is pleased to have this opportunity to comment on the draft Southern Rio Grande Plan Amendment/Environmental Impact Statement (Draft EIS). El Paso is the largest metropolitan area located near the Southern Rio Grande planning are and has been been a part of the land use planning process for this area for many years. The area covered by this plan serves the needs of the citizens of El Paso and the City contributes to the economic vitality of the area. Despite the state boundary separating the City of El Paso from the planning district, the area is one with unified social and economic interests. The City's Public Service Board is particularly concerned about the area because it contains large groundwater resources. El Paso has been pursuing this groundwater resource and seeking water rights in extensive and continuing proceedings before the New Mexico State Engineer. The ultimate purpose of these state groundwater rights applications is to secure the right to drill, appropriate and use the water resources within the area covered by the proposed land use plan. El Paso has also filed rights-of way applications Nos. NM 63876 and NM 63877 with the Las Cruces District Office of the Bureau of Land Management as part of its plan to develop these resources.

The proposed planning amendment directly and concretely affects El Paso's interest and proposes actions which will seriously disrupt years of planning. The Draft EIS contains critical legal and factual errors which prevent the Bureau from carrying out its proposals. The attached comments seek the necessary corrections to the Draft Environmental Impact Statement and provide a statement of El Paso's position on the proposed actions.

"WATER IS PRICELESS — USE IT WISELY"

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MR. WILLIAM HARKENRIDER, JR.
July 1, 1986
Page Two

25-1 | El Paso specifically seeks two substantive changes in BLM's proposed action. First, the Bureau should correct the error on page 2-6 of the Draft EIS that El Paso's rights of-way applications may not be processed until after the State Engineer acts on the water permit applications, and commit to proper processing of the rights-of-way applications. Second, the Bureau should either

25-2 | permanently retain all lands affected by the rights-of-way applications in federal ownership or, at a minimum, retain those lands in federal ownership until after the rights-of-way and related ground water permit applications are fully resolved.

Please feel free to call me if you have any questions.

Sincerely yours,

John T. Hickerson
General Manager

JTH:rg

cc: Robert Uram, Esq.
Ben Phillips, Esq.
Mr. Lee Wilson

State Director
Bureau of Land Management
New Mexico



25-1 The Bureau has agreed to process the rights-of-way applications and retain the public land in Federal ownership until a final decision is made on the applications (see revised Draft page 2-6, Final page 99 and Appendix K, Final page 134). The Final and Proposed Plan will reflect this change.

25-2 The public land in the Hueco Bolson that has been identified for disposal in the Draft will be retained in Federal ownership until a final decision is made on the rights-of-way applications (see Appendix K, Final page 134).

SOUTHERN RIO GRANDE PLAN
AMENDMENT/ENVIRONMENTAL IMPACT STATEMENT

DETAILED COMMENTS OF EL PASO WATER UTILITIES,
PUBLIC SERVICE BOARD

INTRODUCTION

These comments are organized into three parts. Part I is the general overview and statement of interest. Part II describes the failure of the Draft Environmental Impact Statement (Draft EIS) to comply with the National Environmental Policy Act. Part III states how the Draft EIS results in violations of the Federal Land Policy Management Act and is inconsistent with the Bureau's planning criteria for this project. The City incorporates by reference into these comments the letter dated September 20, 1985 from John Hickerson to Jim Fox on the planning criteria and rights-of-ways applications NM 63876 and NM 63877 on file with the Bureau of Land Management in Las Cruces, New Mexico.

GENERAL OVERVIEW AND STATEMENT OF INTEREST

The City of El Paso ("City") is the largest metropolitan region in the area covered by the proposed planning amendment, and the twenty-fifth largest city in the nation. The economic vitality of the City affects the entire region including the farming and ranching communities as well as the metropolitan areas in the Southeastern portion of New Mexico. The adequacy, cost and reliability of the City's water supply has significant



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economic and social impacts on the economic vitality of the entire region.

The City's current secure water supply is not adequate to meet future projected needs. The City's Public Service Board has extensively investigated and considered alternative supplies of water which may be available to meet the needs of a growing and thriving community and has previously provided this information to the Bureau. The investigation shows that the largest, most economical and most reliable source of an additional water supply is generally located in the Lower Rio Grande Underground Water Basin and the Hueco Underground Water Basin. These areas are generally shown on Map 3-8 of the Draft EIS.

El Paso has been pursuing these water resouces diligently. The first obstacle to be overcome was a New Mexico state law which absolutely prohibited the transport of ground water from New Mexico for use in another state. In City of El Paso v. Reynolds, 563 F. Supp. 379, 392 (N.D. NM 1983) (copy enclosed), the City contended the law violated the Commerce Clause of the United States Constitution. The court's decision recognized El Paso's position that its present water resources are inadequate and that the water in the planning area is the most appropriate source of future supplies. 563 F. Supp. at 381. The court said:

> There is no question that the Hueco and Mesilla Bolsons contain millions of acre-feet of water which far exceeds local needs. At the present time, the most economically productive use of the water is across the New Mexico-Texas state line.

563 F. Supp. at 39.

The court considered the constitutional issues the City raised. It discussed the important national interest in permitting the free flow of natural resources across state lines noting that the commercial warfare between the states after the Revoluntionary War led to the inclusion of the Commerce Clause in the Constitution. The court concluded that "The New Mexico gound water embargo violates the Commerce Clause of the United States Constitution." 563 F. Supp. at 392.

After the City began its challenge to New Mexico's laws, New Mexico amended the ground water law to allow transport of ground water across state lines. To develop the ground water supplies in these areas, the City has filed with the New Mexico State Engineer applications LRG-92 through LRG-357 for well permits to appropriate 266,000 acre feet of water annually in the Mesilla Bolson and applications HU-12 through HU-71 to appropriate 50,000 acre feet of water annually in the Hueco Bolson. The description of these applications is more fully set out in the rights-of-way files for applications NM 63876 and NM 63877 and in the corresponding applications



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found in the Office of State Engineer in Santa Fe, New Mexico. The vast majority of the proposed well locations are on lands administered by the Bureau of Land Management within the area covered by the Draft EIS. The City believes strongly that these applications with the State Engineer will, in due course, be granted in whole or in part. Thus, the City's comments arise in the context of a federal court decision which expressly declares that the waters El Paso seeks are a national resource, and may properly be transported across state lines, and in the context of actively pursued, first priority applications with the State Engineer.

The success of the City's efforts depends upon obtaining approval from the New Mexico State Engineer of the necessary permits to appropriate water. Second, and <u>equally important</u>, is obtaining the approval of the necessary rights-of-way applications from the Bureau of Land Management to provide access to the well sites and to provide an economical means of transportation of the water from its source to its place of use.

Because the Bureau of Land Management is a national agency, El Paso is relying on the Bureau to engage in fair and evenhanded administration of the public lands and to work with El Paso to ensure that the rights-of-way applications are processed in such a manner that the public interest will be

protected. El Paso has previously requested the Bureau of Land Management to retain all lands within the Las Cruces district by its rights-of-way applications within public ownership by the Bureau of Land Management. See letter from John Hickerson to Jim Fox (Sept. 20, 1985).

The Draft EIS does not reflect the recognized importance of this water or of El Paso's interests. Instead, the Bureau of Land Management's preferred alternative is to classify as suitable for disposal some of the lands for which El Paso has filed a right-of-way application and which contain recognized water resources. These include lands in Township 26 South, Range 4 East and 26 South, Range 5 East. These lands are the closest to El Paso of all of the lands applied for. Alternative 2 considers the disposal of even greater amounts of land for which the City has sought rights-of-way applications. Choosing either of these alternatives would be contrary to the planning criteria, contrary to the Federal Land Policy and Management Act and contrary to the Bureau of Land Management's duties to promote the public interest.

25-3

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

The purpose of the requirement in the National Environmental Policy Act 42 UCC § 4331 et seq. of having federal agencies prepare environmental assessments and environmental impact statements on



25-3 As noted in the Draft on page 1-1, "This document contains a broad, general level of planning detail and environmental analysis for the Dona Ana County area; site-specific analysis will be completed later when specific land tenure adjustments are proposed and applications processed." In the interim, the public land in the Hueco Bolson identified for disposal will be retained in Federal ownership until a final decision is made on El Paso's rights-of-way applications.

proposed actions is to ensure that the federal agencies take into account the potential affects of their activities and to ensure that the agencies consider reasonable alternatives to the activities proposed. The National Environmental Policy Act requires agencies to take a hard look at potential environmental impacts of their actions and to avoid adverse affects where possible. The Draft EIS fails to meet the requirements of the National Environmental Policy Act and must be revised to meet applicable legal standards. In addition, because the Environmental Impact Statement fails to the provide the public with adequate notice of the issues involved with regard to El Paso's water concerns, the Bureau of Land Management must publish a Revised Draft EIS before proceeding with any of the actions proposed in the EIS which may adversely affect El Paso.

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The specific points in support of these conclusions are described more fully below.

25-4 1. The EIS fails to properly identify and issues identified in the scoping process as required by 40 CFR § 1501.7. Mr. Hickerson's September 20, 1985 comments to the Bureau of Land Management identified the issues of the development and transfer of water from the lands covered by the EIS to El Paso. He submitted this letter timely during the scoping process. This issue was not carried forth in the Draft EIS and has not been adequately addressed in the EIS. The scoping

25-4 The document was prepared to address the land tenure adjustment issue for two areas, the State Land Exchange Area, and for other public land in Dona Ana County. El Paso's concerns on the water issue are beyond the scope of this document and will be addressed in a subsequent EIS. The Proposed Plan includes retention of the public land in the Hueco Bolson in Federal ownership until a final decision is made on the rights-of-way applications.

25-4 cont. procedures have therefore not been followed.

2. The Draft EIS fails to identify reasonable alternatives to the proposed action as required by 40 CFR § 1502.14(a). The identification of alternatives is the key to any environmental impact statement and lies at the heart at the process at Congress established for the consideration of federal agency actions. Many court cases have held that the identification and discussion of all reasonable alternatives is mandatory under the National Environmental Policy Act. Here, at least one key reasonable alternative has not been included in the Draft EIS. El Paso has for many years been attempting to secure the necessary permits to appropriate water in accordance with the laws and procedures of the State of New Mexico. This includes filing applications for well permits with the New Mexico State Engineer.

25-5 The City's plans are nowhere recognized in the Environmental Impact Statement with the exception of an extremely brief and inaccurate statement on Page 2-6 of the EIS. This discussion is under a section captioned "Alternatives Considered But Eliminated from Detailed Analysis." The section notes that the City of El Paso has filed rights-of-way applications NM 63876 and NM 63877 and that the City would like the public land to remain in federal ownership and be able to acquire the rights-of-way from BLM rather than from a private party. The EIS then goes on to note that:



25-5 See responses to Comments 25-1, 25-2, 25-3, and 25-4.

> before the ROW applications can be processed by the BLM, the City of El Paso must complete their application by obtaining approval from the New Mexico State Engineer to appropriate the groundwater and comply with the applicable rules for a right-of-way application. . . . The retention or disposal of public land will not affect the City of El Paso's application to appropriate water in New Mexico.

25-5 cont. Apparently, this analysis is the basis for deleting from the Draft EIS any alternatives which would specifically consider the possibility of retaining lands in public ownership which might otherwise be determined to be suitable for disposal pending the full outcome and determination by the State Engineer and the Bureau of Land Management of the propriety and appropriateness of the City's use of public lands for a water development project. This conclusion is fatally flawed and must be fully corrected.

First, the question of the retention or disposal of public lands will have a significant affect on the City's ability to acquire rights-of-way and access to the water wells in question. The record is undisputed that El Paso has the earliest filed applications for ground water appropriation for these lands in New Mexico with the State Engineer's office and that these applications are currently under active consideration. Upon completion of the required showings, El Paso will be granted some or all of the requested applications.

It is also undisputed that the Bureau of Land Management has a clear and well-established process for the acquisition of rights-of-way on public lands and that it is required by the Federal Land Policy and Management Act to make decisions with respect to the rights-of-way applications which will promote the public interest. If the Bureau of Land Management transfers these lands either to private parties or to other governmental agencies then El Paso will have to deal with a radically different situation for acquiring access and access may in fact be unavailable or uneconomic, or unduly delayed. Loss of access or even delay in obtaining access could be very detrimental, substantially increasing the cost of the water supply of the nation's twenty-fifth largest city.

25-6

For other users of the public land, the Draft EIS concludes that they will be penalized by the transfer of lands from public ownership and may be required to undergo additional expense, time or harassment. E.g., Draft EIS at 4-15, 4-25. Without any rational basis, the Bureau of Land Management fails to note that El Paso would undergo similar problems as to those experienced by oil and gas leasees and grazing leasees as a result of the change of ownership. Thus, the factual basis for the conclusions at page 2-6 of the Draft EIS of are in error.

25-7

In addition, the statement on 2-6 of the Draft EIS appears to assume that the City of El Paso must first receive

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25-6 See Additions to the Draft PA/EIS, Final pages 117 through 118, which discuss the Environmental Consequences.

25-7 See Additions to the Draft PA/EIS, Final pages 117 through 118, which discuss the Environmental Consequences.

25-8 See response to Comment 25-1.

25-8 cont. ground water permits from the New Mexico State Engineer before the Bureau of Land Management may properly process the rights of way application. This is legally incorrect.

Neither the statutory provisions, 43 U.S.C. §§ 1713-1760, nor the regulations governing rights of ways, 43 CFR Part 2800, require an applicant for a right of way across federal lands to obtain permits to appropriate ground water from the state engineer before the Bureau of Land Management may process a right-of-way application. The application is not required to contain such a showing, 43 CFR § 2802.3, and the Bureau of Land Management is not required to obtain that information in processing the application. 43 CFR § 2802.4. To the contrary, only the listing of what other federal or state approvals are required must be disclosed, 43 CFR § 2802.3(b)(1). With respect to the actual processing, the regulations only note that "prior to issuing" a right of way grant the authorized officer is to consult with other agencies having an interest as appropriate. Neither of these regulations requires the successful pursuit of state water rights applications as a prerequisite to the federal application. See 43 CFR 2802.2-2 which discusses coordination of applications with applications before other federal agencies. The statute is silent on this point and lends no support to requiring such information.

Furthermore, it would be contrary to the public interest to require such a separation here. The procedures for obtaining rights permits from the State Engineer and the procedures for obtaining rights of way from the Bureau of Land Management are lengthy. El Paso has an expected need to be delivering water from these lands as early as 1995. If El Paso is required to wait until the end of the State Engineer's procedures before beginning to proceed with its applications on public lands, it may not be able to have all necessary permits from both agencies ready in time for construction to commence and the project to begin delivering water on time. The construction period could be several years in and of itself. Delays will not only increase project costs, they will require El Paso to mine the Hueco Bolson in Texas to a point resulting in premature mineralization and the loss of up to 1 billion dollars in fresh water resources. This will directly and adversely affect Fort Bliss, a federal military base which depends on El Paso for one-third of its water. The Bureau itself recognized the importance of this resource for urban use, including use in El Paso, in the 1979 Environmental Assessment regarding P.LO.3796. Thus the public interest would be greatly harmed by a decision by the Bureau of Land Management to delay the processing of El Paso's application; and there is no basis for doing so either in the statutes or







the regulations. Moreover, these applications are in no way premature, and El Paso is not asking the Bureau to consider a "blue sky proposal"; the need is real and the time is right. The Bureau recognized these points when it accepted the applications for processing; the statements in the Draft EIS changing that position are unsupportable.

If the Bureau of Land Management had intended a restriction be placed on the processing of rights-of-way applications, (because of state water rights issues) it could have said so directly. For example, the regulations governing desert land entries specifically discuss that no desert land applications will be allowed unless accompanied by evidence satisfactorily showing that the entryman has a water right or has taken all possible steps to pursue such a water right. 43 CFR 2521.2(d) (1985). See Jean P. Walsh, 89 IBLA 311 (1985). Since there is no comparable provision respecting the showing of a water right in connection with the right of way application, the Bureau of Land Management may not impose such a restriction in this case. El Paso is entitled to have its right of way application processed and to simultaneously pursue its ground water applications. Parenthetically, El Paso qualifies even under the Desert Land entry standard since it has taken all possible steps to pursue its state water applications.

The Bureau of Land Management's prior practice in New Mexico and across the country has been to allow the processing of Bureau actions without regard to completion of State Engineer proceedings. Pipeline and water distribution system rights of way applications were fully considered in response to an application by the Public Service Company of New Mexico for rights of way in connection with the New Mexico Generating Station without any prior resolution of water rights issues at least as difficult as those here. New Mexico Generating Station/Environmental Impact Statement (1983). See also Final San Juan River Regional Coal EIS at 4-3 (1984). The El Paso case is not distinguishable from prior practice.

Moreover, the Bureau cannot hide behind budget considerations in failing to process El Paso's applications. The Bureau of Land Management's regulations require applicants for rights of ways to reimburse the Bureau for the cost of processing applications. While there is a question whether El Paso has an obligation to engage in such reimbursement, the City understands that it is the Bureau's current position that such reimbursement is required. Assuming this to be correct, there will be no adverse budgetary consequences from proceeding to process the applications.

25-9 The statement on 2-6 also implies that there are other potential deficiencies in the application. The City, in

25-9 See responses to Comments 25-1 and 25-2.

accordance with the Bureau's regulations, had a pre-application conference with the officials of the Las Cruces District Office and the application, and all the information to be included in the application, was discussed in detail. El Paso has faithfully complied with all guidance given at that meeting. This includes the detail of maps to be submitted. We note that there is no requirement at this time in the regulations for El Paso to have an application sufficient to locate the facilities on the ground. Compare 43 CFR 2802.3-6 (1980) with 43 CFR 2802.3 (1985); see 47 Fed. Reg. 12569 (1982). The City will, of course, cooperate with the Bureau of Land Management in processing the application and will provide desired information at an appropriate time. The Bureau agreed at the pre-application conference to accept and process the application. The position of the Draft EIS to the contrary is wrong.

Thus, the statements at page 2-6 of the EIS are factually and legally in error and cannot be the basis for excluding the reasonable alternative of delaying any disposal of the land until after the City's application has been processed by both the Bureau of Land Management and the New Mexico State Engineer's office. This deficiency not only makes the environmental impact statement invalid for lack of reasonable alternatives, but as discussed more briefly below,

it also makes the discussion of environmental impacts and other information in the EIS inadequate as well.

3. The Draft EIS fails to contain an adequate discussion of the affected environment as required by 40 C.F.R. § 1502.15. The Draft EIS contains no discussion of the context of water development or the water needs of the area and as a result is deficient. See discussion in paragraph 2, supra.

25-10

4. The environmental impact statement fails to contain an adequate discussion of the environmental consequences of the proposed action as required by 40 CFR § 1502.16. This point is also related to the decision of the Bureau of Land Management to disregard El Paso's pending rights of way applications and its conclusion that there will be no effect from transferring out of public ownership lands for which El Paso seeks to have water wells approved and rights of way applications granted. As a result, the EIS fails to take a hard look at the environmental consequences of such action and this is contrary to the National Environmental Policy Act.

25-11

5. The environmental impact statement fails to include the required discussion of conflicts with local plans as required by 40 CFR § 1502.16(c). El Paso has had a longstanding, formally adopted plan to use these lands for the development of water resources. The environmental impact statement is required to identify the conflict between this

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25-10 See Additions to the Draft PA/EIS, Final pages which discuss the Affected Environment.

25-11 See Additions to the Draft PA/EIS, Final pages which discuss the Environmental Consequences.

25-12 The Bureau plans to retain the public land in Federal ownership in the Hueco Bolson until a final decision is made on the rights-of-way applications; therefore, there should be no conflict with local plans.

25-12 cont. plan and the Bureau's preferred alternative and to discuss its consequences.

In addition to these specific deficiencies with the EIS, the document also contains maps and other exhibits which are misleading with regard to the interest of the City of El Paso and its residents in this area. All of the maps show a cutoff of the land boundary at the New Mexico border and do not show the existence of El Paso and the road system leading toward the affected area. This greatly disminishes the reader's understanding of the issues involved here, and in particular, the close relation of El Paso and the Southern part of New Mexico as demonstrated, for example, by the 1980 Bureau of Reclamation RGREP study. There is no discussion of the social or economic impacts on El Paso; there is no discussion of its population or the amount of use made these lands by citizens of El Paso. In fact, and to the contrary, all of the discussion of the social and economic conditions is limited to the effect on Dona Ana County. While the City agrees that this is an important consideration, the Draft EIS must also discuss the concerns and effects of these proposals on El Paso and its residents. The Bureau of Land Management has apparently recognized the importance and impact of this project on the State of Texas because it is taking the step of notifying the Governor and giving him an opportunity to provide consistency

25-13



25-13 See additions to the Draft PA/EIS, Final pages 108 through 118.

comments for the document under the planning regulations. There is no information in the EIS, however, which will assist the Governor in making his determination. Compare Tables 3-14, 3-15, 3-16, 3-17, 3-18, 3-19, 3-20 and 3-21 which provide detailed information on Dona Ana County baseline information with the total absence of any information on the Texas side of the border. The entire Draft EIS is done as if the Bureau's responsibilities stop at a State border. The Bureau of Land Management may not constrain its view of the proposal to the borders of one state.

25-13 cont.

Application of Planning Criteria and
Federal Land Policy and Management Act

In addition to problems of compliance with the National Environmental Policy Act, the EIS also presents questions about the application of the planning criteria and compliance with the Federal Land Policy and Management Act.

Planning Criteria:

1. The Bureau of Land Management initially published its planning criteria in August 1985 and allowed public comment on those criteria. In a letter dated September 20, 1985, El Paso raised points, comments, and concerns about those criteria. In response to the City's comments and those of other members of the public, the Bureau of Land Management

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significantly revised the criteria on October 11, 1985, and sent a copy of the revised criteria to El Paso. Upon review of these criteria, El Paso had considerable questions about the proper interpretation of them and on December 18, 1985, a representative of El Paso sent additional written comments seeking clarification of the planning criteria. Letter from Robert Uram to H. James Fox (December 18, 1985). On January 14, 1986, Mr. Fox responded to these comments by stating that "the planning criteria are sufficient to help us determine the amount of inventory that is needed, data to be collected, identify a range of reasonable alternatives, and estimate the extent of analysis to address land tenure adjustment issue." Letter from James Fox to Robert Uram (January 14, 1986). It took no steps to correct any ambiguity or otherwise revise the document or to inform El Paso that its interpretation was incorrect.

Throughout this process, the City's chief concern has been for the lands on which it has filed well field applications. Its December 18, 1985, letter explains that the planning criteria appear to be ambiguous. Upon further review of the criteria and the Draft EIS, El Paso strongly believes that the designation of lands in the Hueco Bolson as suitable for disposal is inconsistent with any reasonable construction of the planning criteria. In particular, these lands are

already within an easily manageable blocked up segment of federal land and the environmental impact statement does not identify them as being subject for disposal for that reason. See EIS at 4-2. Second, contrary to a fair reading of the criteria, the Draft EIS gives no special consideration to the value of the water resources in the land. Properly interpreted, the criteria would require retention of all of these lands with potentially valuable water resources. They are clearly lands which have significance and special worth, consequence, meaning, distinctiveness or cause for concern. See P.L.O. 3796, and case file NM 37654. The water resource is a key factor in the planning criteria and should be recognized here. The lands subject to the rights of way should be retained by the Bureau of Land Management.

25-14

2. The Bureau of Land Management has a special burden of showing the appropriateness of disposal of these lands. The Draft EIS covers the second proposed change to the Southern Rio Grande Management Plan. The plan was previously amended in 1985. In neither the original plan nor the first-amended plan was there any decision to propose for disposal any of the lands currently covered by the City's rights of way applications. Where an administrative agency changes its course of action, it must provide reasons and a rational basis for that change. There is no adequate

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25-14 The water, while a valuable resource, could still be developed even if the land is no longer in Federal ownership. However, the public land in the Hueco Bolson will be retained in Federal ownership until a final decision is made on the rights-of-way applications (see Appendix K, Final page 134).

25-15 See conformance statement on Draft page 1-4.

explanation in the environmental impact statement or any accompanying documents why these lands are now being considered as potentially suitable for exchange when previously they were to be retained or how the public interest mandates such a change.

25-15 cont.

3. Moreover, even assuming that the criteria have been properly applied, they would be, in this instance, inconsistent with the criteria in the Federal Land Policy and Management Act if they were to allow the disposal of lands with such important public resource values. See September 20, 1985, letter from John Hickerson to James Fox.

25-16

Federal Land Policy and Management Act

1. The proposed decision is also inconsistent with numerous provisions of the regulations carrying out the Federal Land Policy and Management Act. Under the Federal Land Policy and Management Act (FLPMA), the Bureau of Land Management is to coordinate its planning policies and decisions with the planning, policies and programs of local government. 43 C.F.R. § 1610.3-1. Under the regulations and the FLPMA, the Bureau of Land Management actions are to be consistent with local government programs to the extent possible. 43 C.F.R. § 1610.3-1(c)(1). For unresolvable conflicts, the conflicts must first be identified and an explanation given of why



25-16 See response to Comment 25-14.

consistency is not possible. 43 C.F.R. § 1610.3-1(c)(2).

The City has a long established policy of seeking to develop the ground water resources in New Mexico to meet the needs of its citizens. The Bureau of Land Management has been aware of these plans since at least 1981 and possibly before then. The City has consistently kept the Bureau apprised of these plans and has made every effort to cooperate in all aspects of planning with the Bureau of Land Management. Despite this long and extensive background of coordination and consultation, the Draft EIS and the proposed Land Use Plan are totally deficient in giving any recognition to the established policy or to explaining why it is not possible for the plans of the Bureau to be consistent with those of El Paso. The silence in the Draft EIS and proposed land use plan on this point is a critical and fatal flaw, and is without any rational explanation. See also 43 C.F.R. § 1610.3-2(a).

25-17

2. Apart from the illegality of the Bureau of Land Management's proposed course of action, El Paso is particularly disappointed that it has failed to obtain a fair hearing from the Bureau of Land Management on this issue. The Bureau of Land Management is a national land management agency with national responsibilities and concerns as designated by the United States Congress and the laws of the United States. The New Mexico State Office has responsibilities which cause it to



25-17 See response to Comment 25-12.

be in frequent contact with officials of the State of New Mexico, but there is no basis for the Bureau's attitude in failing to reflect the critically important water needs of the citizens of El Paso. To the extent the Bureau of Land Management's position is biased, consciously or subconsciously, to favor the interest of the citizens of New Mexico over the interests of the citizens in Texas, this bias impermissably taints the Draft EIS.

3. We have previously discussed the planning criteria and specifically point to the requirement in 43 C.F.R. § 1610.4-2 which requires criteria to guide the development of the resource management plan or revision and to insure that it is tailored to the issues previously identified. We request that the planning criteria be revised as suggested in a letter of December 18, 1985 from Robert Uram to Mr. Fox. This will provide the clearest statement and will give all members of the public an equal understanding of the current situation.

4. The proposed plan amendment also fails to comply with the requirements in 43 C.F.R. 1610.4-3 inventory data and information collection. The draft amendment has the potential to effect the city's water use; it should reflect adequately a discussion of the water needs of El Paso, the scope of available water resources and how the proposed changes to the status of public lands in the Las Cruces district may effect

25-18

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25-18 The Draft document was prepared to complete a site-specific analysis for the 10,000 acres of land on the East Mesa in Dona Ana County and provide the BLM with a general framework to work within over the long-term to cover future land tenure adjustments. Site-specific analysis will be performed as the need arises before the lands are disposed. See Additions to the Draft PA/EIS, Final pages 117 through 118 for a discussion regarding general impacts.

the ability of El Paso to meet those needs with reasonable costs and within reasonable time frames. See also 43 C.F.R. 1610.4-4 which requires the district or area manager to analyze the information available to determine his ability to respond to issues and opportunities.

25-18 cont.

5. The analysis of the management situation presented in EIS totally fails to provide the basis for formulating reasonable alternatives including the type of resources for development of protection. If this analysis were made, the Bureau of Land Management would not under any circumstance propose to dispose of any land for which El Paso seeks water applications until at least after the process before the New Mexico State Engineer is done and the consideration of the right to applications by the Bureau has been fully completed. Moreover, for the reasons that the consideration of alternatives is inadequate for the purposes of the National Environmental Policy Act, the EIS presented here also violates 43 C.F.R. § 1610.4-5 and 43 C.F.R. § 1610.4-6.

25-19

6. The Draft EIS does not discuss or consider the effect of National Wildlife Federation v. Burford, 16 ELR 20422 (1986), on its land use planning efforts, and in particular on PLO-5796 and PLO-3796.

25-20

OTHER COMMENTS

In addition to the comments previously discussed, the City also has the following specific comments on the EIS. The

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25-19 See response to Comment 25-4.

25-20 The National Wildlife Federation vs. Burford, 16 ELR 20422 (1986) specifically states that the "(1) Defendants...are hereby enjoined from: (a) modifying, terminating or revoking in full or in part, under the Federal Land Policy and Management Act (FLPMA), any withdrawal or classification that was in effect on January 1, 1981...". PLO-3796 was issued August 17, 1964 and PLO-5796 was issued December 19, 1980 (revoking PLO-3796).

As for the effect of the National Wildlife Federation vs. Burford on the SRGPA/EIS and specifically the proposed State Land Exchange, the classification for the lands involved in the State Land Exchange (NM 435 C1 30-03-02 C1 of Public Land) does not prohibit the exchange of public land.

discussion in this section first lists the page number of the document being discussed and then describes the City's comment on the material presented at that point in the document.

Page xv. The summary of water resources in Dona Ana County incorrectly states the resources on lands considered for disposal would not be effected. The disposal of any of the lands covered by the city's right of way applications would affect access, cost and other factors. This chart fails to show any change in economic conditions as the result of the disposal of lands being applied for by El Paso; this is incorrect. See also pages xvii, xviii and xix and summary chart on xxvii.

25-21

Page 1-1. El Paso has no objections to the proposed land exchange now being considered on the 10,000 acres of the east mesa for the State Land Office because of lack of any potential adverse affect on its water right applications. El Paso does question, however, and reserve if future exchanges pose actual conflicts, whether the exchange of public lands to satisfy the goals of the Department of the Army in administering the White Sands Missile Range are within the statutory authority for exchanges found in § 206 of FLPMA.

25-22

Page 1-2, 3. The City has previously commented on the planning criteria and its comments are applicable to the presentation of the criteria on these pages. The criteria



25-21 See Additions to the Draft PA/EIS, Final pages 117 through 118. Also see response to Comment 25-18.

25-22 When considering an exchange proposal, the Bureau must comply with 90 Stat. 2756 43 USC 1716 Section 206 (a) which states that: "a tract of public land or interests therein may be disposed of by exchange by the Secretary under this Act...where the Secretary concerned determines that the public interest will be well served by making that exchange...".

A decision on Court of Claims Suit No. 94-79L was made on October 21, 1981. The court determined that a "taking" had occurred. The title transfer of the 73,560 acres of State land in the WSMR to the Federal Government would assist the acquisition program of the U.S. Army and compensate the State of New Mexico with public land. The United States has a special trust responsibility to the State to ensure it has use of all lands granted under the State's Enabling Act for public education. (See Draft page 1-1.)

should be formally revised to reflect more clearly the alternative nature of the categories in paragraph numbered 1 of the planning criteria.

Page 1-4. The Draft EIS says that there are no known inconsistencies between any of the alternatives and officially adopted and approved research related policies and programs of other federal agencies, state and local government. In view of
25-23 El Paso's well established position, this statement is in gross error. The Draft EIS must be revised to reflect El Paso's officially approved and adopted resource related policies with respect to the acquisition of groundwater resources within the Las Cruces District.

Page 2-1. The Management Guidance common to all alternatives describes a system of considerations. It is unclear how these considerations relate to planning criteria
25-24 and it is particularly unclear whether these categories and standards are consistent with the exchange requirements of the Federal Land Policy and Management Act. See comments dated September 20, 1985 from John Hickerson to James Fox.

Page 2-5. El Paso's comments have previously discussed the Alternatives Considered and Eliminated From
25-25 Detailed Analysis and show why the statements made here are both legally, factually and practically incorrect.

25-23 See response to Comment 25-12.

25-24 The "Management Guidance Common to All Alternatives" includes a list of 15 items to be examined while considering the merits of any disposal or acquisition (see Draft page 2-1). The 15 items have been specifically considered for the 10,000 acres and more generally for the rest of the area. While a decision could be made to dispose of the lands outside the 10,000 acres as a result of this analysis, a site-specific EA would be completed to consider the 15 items in greater detail before any final action on these other areas is taken.

The planning criteria are a list of established constraints to help guide the planning actions. The 15 items in the "Management Guidance Common to All Alternatives" relate in that they were examined to help determine which alternative best meets the planning criteria.

The Federal Land Policy and Management Act requires that land use planning be the basis for lands actions (Title II, Sec. 202).

25-25 See revised Draft page 2-6 (Final page 99).

Comments of El Paso Water Utilities, Public Service Board
Page 26

25-26 Page 2-6. Water rights and resources are administered by the State Engineer and are not "adjudicated" by the State Engineer as the text states.

25-27 Page 3-16. The text beginning on 3-16 does describe some of the basic attributes of groundwater in the Mesilla Bolson and Lower Rio Grande declared ground water basins, but fails to provide an adequate context of the needs of El Paso and the region for this water. Without this critical baseline information, the Draft EIS is subsequently unable to provide any meaningful analysis of the environmental impact of the proposal. The Draft EIS does not note, for example, that Fort Bliss, a federal military installation, is supplied water directly by El Paso, and that its independent water supply is affected by El Paso's drawdowns of water in Texas. In particular, the environmental impact statement fails to discuss (1) the general availability of other water resources in the region; (2) to show the regional importance of this water supply; and (3) the unique quality of water resources on the west mesa which can be developed without an immediate and substantial need to obtain and retire irrigation water rights.

25-28 Page 3-32. This portion of the environmental impact statement contains a discussion of retaining lands to promote recreational use in the Franklin Mountains. It fails to discuss, however, how the disposal of land both to the east and



25-26 See revised Draft page 2-6 (Final page 99).

25-27 Draft Map 3-8 shows locations of declared underground water basins within the planning area. The regional importance of these underground water supplies is obvious. In a letter from El Paso Water Utilities Public Service Board to Mr. Jim Fox (dated September 20, 1985), it states "Pumping of the Hueco Bolson is substantially greater than the rate at which the aquifer is naturally replenished. For this reason, the water table is dropping at rates of up to 3 feet per year in El Paso." The extent of other ground waters in the area (Lower Rio Grande Basin) is uncertain. There currently is a study being conducted by the U.S. Geological Survey in conjunction with the State of New Mexico and City of El Paso in an attempt to determine the extent of ground waters within the Mesilla Bolson. Therefore, the BLM will not attempt to determine the amount of ground waters which can be developed at any given location since water rights are administered by the State Engineer. Also see response to Comment 25-18.

25-28 Under the Proposed Plan (Final page 2), sufficient public land would be retained within the boundaries of the Franklin Mountains area to protect the resource values in that area. The area proposed for retention in the Franklin Mountains has been expanded from the Draft based on public input. When, and if, specific land tenure adjustments are proposed, site-specific analyses will be completed.

the west of the Franklin Mountain Area will affect the potential recreational uses there. Since the area that the Franklin Mountains are found is now a blocked up area of federal land, the Bureau's decision to propose for disposal land adjacent to the Franklin Mountains is mystifying. If for no other reason, these lands should be retained to provide a continuous block of federal lands for the protection of recreational interests in the Franklin Mountains. In addition, the entire discussion of the disposal of these lands fails to consider any positive affects the development by El Paso of water wells may have. It is possible, that El Paso would be willing to assist current grazing users in making more productive use of the land by providing stock water which would permit a more balanced and responsible management of the grazing of resources on these lands.

25-28 cont.

25-29

Page 4-2. This section notes Bureau of Land Management is not disposing of any lands because of the failure of the lands to be "blocked up" except for the areas north of U.S. Highway 70-82, the southeast corner of the county near the Dona Ana Otero County line and for west along the Dona Ana-Luna County Line. This clearly shows that the Hueco Bolson lands being proposed by disposal near the Franklin Mountains are not being disposed of because of management difficulties, but for yet unstated and unexplained reasons.

25-30



25-29 There is a possibility that the development of the water wells either by the City of El Paso or other entity would benefit those users of the public land. A site-specific analysis which would quantify these benefits will be performed prior to disposal of these lands. See Additions to the Draft PA/EIS, Final pages

25-30 See Draft page 1-1, second column, last paragraph; Draft page 2-1, second column last paragraph; and the continuation of the paragraph on Draft page 2-2.

25-31 Page 4-15. The EIS admits that oil and gas lessees and others who have experienced inconvenience and increased costs from the disposal of land but notes no similar affect on El Paso and its right of way applications. This omission is particularly difficult to understand in view of the long-standing disputes over the acquisition of water by El Paso in New Mexico. See also discussion at page 4-25.

25-31 See Additions to the Draft PA/EIS, Final pages 117 through 118.

The Rio Grande Chapter of the Sierra Club

954 Santo Nino Pl.
Santa Fe NM 87501
June 27, 1986

Mr William J. Harkenrider Jr
Area Manager
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, New Mexico, 88005

Dear Mr Harkenrider,

On behalf of the 3700 members of the Rio Grande Chapter ot the Sierra Club living in New Mexico and the three westernmost counties of Texas, the below comments are submitted on the DRAFT SOUTHERN RIO GRANDE PLAN AMENDMENT Environmental Inpact Statement, dated March, 1986.

26-1 .....We strongly support the BLM proposal to retain the area of the FRANKLIN MOUNTAINS, however we recomend an area of 13,191 acres in lieu of the BLM proposal for 8,480 acres. The recomended boundaries have been submitted to you by the Franklin Mountains Wilderness Coalition.

26-2 .....For the purpose of long-term land planning we do not agree with the BLM proposal to dispose of lands between the Franklin Mountains and the Organ Mountains. At least 5,360 acres should be retained for Recreation and Wildlife purposes.

26-3 .....We do not believe that the so called 'exchange' of land in the WSMR is a proper resolution to a long existing problem. We recomend that an appraisal be made of these lands, and that the state be reimbursed with DOD funds for this land.

26-4 .....The final EIS should reference the specific needs/requirements of various Public/local/City/County/and State requiurements for specific tracts recommended by the BLM for disposition. Vague reasons or claims do not appear to justify disposal of government lands.

The Rio Grande Chapter of the Sierra Club specifically requests that you incorporate as our own comments the comments submitted by:

1. Southwestern New Mexico Group, Sierra Club.
2. Franklin Mountains Wilderness Coalition.

Thank you for your consideration.

John J Kenney
Chapter Chair.

cy: State Director., BLM
Rep. Joe Skeen
Senator Pete Domenici
Senator Jeff Bingaman



26-1 See response to Comment 11-1.

26-2 See response to Comment 11-2.

26-3 The policies and legal requirements of the State Land Office must be considered to resolve the problem of Federal takings of State land. This requires the consideration of exchanges rather than just a cash payoff. The acreage of public land used to trade out State land in the WSMR would be more than offset by the acreage of State land acquired in County-wide exchange actions.

A decision on Court of Claims Suit No. 94-79L was made on October 21, 1981. The court determined that a "taking" had occurred. The title transfer of the 73,560 acres of State land in the WSMR to the Federal Government would assist the acquisition program of the U.S. Army and compensate the State of New Mexico with public land. The United States has a special trust responsibility to the State to ensure it has use of all lands granted under the State's Enabling Act for public education. (See Draft page 1-1.)

All future land exchanges involving the New Mexico State Land Office will be in accordance with the regulations concerning equal value as well as Memorandum of Understanding NM-212 between the BLM and the New Mexico State Land Office (see Appendix K, Final page 131 through 133).

An appraisal will be completed to determine fair market value of the land involved in the exchange in accordance with the principles in the Interagency Department of Justice publication entitled "Uniform Appraisal Standards for Federal Land Acquisitions".

26-4 See response to Comment 9-1.

Cosmati Farms
2[illegible] Burke Road
Las Cruces, N. M. 88005

July [illegible], 1986

Bureau of Land Management
1800 Marquess Street
Las Cruces, N. M. 88005

Attn: Tim Read, Acting Area Manager

Dear Mr. Read,

After studying the Environmental Impact Statement Draft for Southern Rio Grande proposed State Land exchange we had some questions.

Are there not three separate issues involved?

1. State Land within White Sands Missile Range that isn't under litigation.
2. State and Federal land around the Las Cruces Airport and on the east mesa.
3. State land leases within WSA's in Dona Ana County.

27-1

We can understand an Environmental Impact Statement (EIS) being issued for the large land swap for the Missile Range but wouldn't an Environmental Assessment (EA) have been adequate for each of the other two issues?

27-2

BLM states a preferance of Alternative II which blocks large areas of land together for easier management and better control (more federal control). We question giving up State land to Federal control when Alternative II has adequate land necessary for the original goal. Are the WSA's being treated as a law already passed? In other words, the WSA's are not yet designated Wilderness Areas. What is the urgency of getting State lands in proposed WSA's exchanged in the first land exchange? In our opinions lands in WSA's do not need to be considered for exchange until they are designated as Wilderness Areas. Then a separate EA would be prepared for each one.

We feel the draft lacks in adequacy on the following points:

27-3

1. Compensation for assets held within State land being

27-1 The single major issue covered by the SRGPA/EIS is land tenure adjustment in Dona Ana County. The issue considers two broad areas, Dona Ana County and the State Land Exchange Area, as described on Draft page 1-1. An EIS is necessary to consider the broad, general impacts of potential land tenure adjustments in Dona Ana County as a whole. Site-specific Environmental Assessments will be completed prior to any disposal or acquisition (except for the State Land Exchange proposal analyzed in detail in this document).

27-2 The Wilderness Study Areas (WSAs) contain significant resource values whether the WSAs are eventually designated Wilderness Areas or not. An active disposal and acquisition program would provide more effective management of the public land, and consolidation of public land ownership in the WSAs would enhance the manageability of the resource values. For WSAs, the SRGPA/EIS contains a broad, general level of analysis for potential future acquisitions; site-specific EAs would be prepared prior to any acquisitions in WSAs.

27-3 Permittees will be issued Section 4 permits for rangeland improvements on State land which will become Federal land if the improvement is in a useable condition and is needed for continued livestock grazing.

Cosimati Farms
Page 2

cont. transfered to BLM. Will permittees be issued Section 4 Permits for improvements on State Land that become Federal Land?

27-4 2. During the evening public hearing on June 4, 1986, Mr. Marvin James of the BLM stated something to the effect that within two years there would be no further livestock grazing in WSA's. Will livestock grazing be allowed to continue at the current level in WSA;s in the future? If WSA's are designated as Wilderness Areas will livestock grazing be allowed to continue at the current levels? If we misunderstood Mr. James' statement, what did he say and mean?

Alternative II provides the maximum necessary and avoids complicating the issues. As a rancher we prefer Alternative II. Our operation of our ranch hinges on the ability to put in improvement as necessary for better utilization and continued stewardship of the range.

27-5 Has the growth of Las Cruces been considered thoroughly in this matter? What about the water basin rights when the State exchanges
27-6 the land to the BLM?

Your answers to these questions will be greatly appreciated.

Sincerely,

Mrs Robert Cosimati
Cosimati Farms

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27-4 No such statement was made in reference to Wilderness Study Areas (WSAs). The 2-year notice is a Bureau requirements that specifies permittees be notified 2 years prior to disposal of public land used for grazing. After this 2 year period according to the State letter (Draft Appendix J), permittees will be able to negotiate for a State lease to graze livestock on the lands going to the State Land Office. Livestock grazing is a grandfathered use in WSAs. As such, livestock grazing would continue at levels of use existing at the time an area is designated as wilderness.

27-5 See Draft pages 3-43 and 3-45 which discuss the population growth rates and projections for Dona Ana County and Las Cruces in particular.

27-6 Water rights owned by grazing permittees or other private parties for facilities on State land would remain the property of the private parties if the State land were transferred to the BLM. See also the discussion of water rights on Draft page 2-2.

PO Box 3574
Las Cruces, NM 88003
2 July 1986

H. James Fox, District Manager
Las Crucee District Office
Bureau of Land Management
1800 Marquese Street
Las Cruces, NM 88005

Dear Mr. Fox:

In regard to the Draft Southern Rio Crende Plan Amendment/ Environmental Impact Statement on proposed land tenure adjustmente for Dona Ana County, New Mexico, I would like to make the following commente:

28-1 1. Any areas held by BLM and used by Off Road Vehicles (ORV) should be retained by BLM for continued ORV use. It eeems better to destroy as little desert habitat as possible.

28-2 2. I am in agreement with the Franklin Mountain Conservation Coalition proposal to retain a corridor between the Organ Mountains and the Franklin Mountains and include an additional 13,100 acree in and around the Frnaklin Mountaine.

28-3 3. The bird list in your draft ie not up to date and it should be updated.

4. The Organ Mountains as a wilderness area ie long overdue and I am in complete agreement with your efforte in that area.

Sincerely,

Eleanor G. Wootten

Eleanor C. Wootten

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28-1 Under the Proposed Plan, the Alameda Arroyo, Mossman Arroyo, and Airport Open Intensive ORV areas could be lost from management control by the BLM. ORV use on public land is monitored by the BLM. If problems are identified, appropriate ORV designations such as "open," "closed," or "limited," can be made to meet public demand or needs, to protect resources and the safety of the public land users, and to minimize conflicts among the various public land users. Prior to implementation of ORV designations, site-specific Environmental Assessments are completed to consider any impacts to the resources.

28-2 See responses to Comments 11-1 and 11-2.

28-3 The bird list in the Draft is the same as was used in the Draft Southern Rio Grande Grazing EIS which was prepared in 1981. The original list was based on reference materials and field data collected during inventory efforts prior to 1981. No effort was made to collect new data to update the species list for this plan amendment. We expect to update our inventory data base from reference materials for a Las Cruces/Lordsburg Resource Area planning effort scheduled to begin in 1989. Also, site-specific environmental assessments will be completed prior to any disposals or acquisitions and important new information will be used.

El Paso Trans-Pecos Audubon Society
P.O. Box 9655 El Paso, Texas 79946

30 June 1986

Mr. Tim Read, Acting Area Manager
Las Cruces/Lordsburg Resource Area
Bureau of Land Management
1800 Marquess Street
Las Cruces, NM 88005

Re: Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement, Proposed State Land Exchange and Dona Ana County Land Tenure Adjustment

Dear Mr. Read:

El Paso/Trans-Pecos Audubon Society members are frequent users of public lands in Dona Ana County, and our organization has studied carefully the Bureau of Land Management's (BLM's) proposals for a State land exchange and for possible land-tenure adjustments in the county. As an organizational member of the Franklin Mountains Wilderness Coalition (FMWC), we have taken particular interest in the proposals involving the Franklin Mountains.

Our comments on the draft Southern Rio Grande Plan Amendment/Environmental Impact Statement (SRGPA/EIS) for the proposed State land exchange and land-tenure adjustments are attached. In general, we find the preferred alternative in the SRGPA/EIS has definite positive features but can be improved. We particularly urge BLM to accept the proposals of the FMWC regarding:

29-1

- retention or acquisition of 13,191 acres in and adjacent to the Franklin Mountains, and
- establishment of a 5,360-acre recreation/wildlife corridor between the Organ Mountains and the Franklins.

The FMWC's proposals are farsighted, they are reasonable, and we believe their implementation will be a real contribution to sound long-term management of BLM lands in Dona Ana County.

Thank you for this opportunity to comment on the draft SRGPA/EIS.

Sincerely,

Robert S. Johnson
President

Attachment



29-1 See responses to Comments 11-1 and 11-2.

EL PASO/TRANS-PECOS AUDUBON SOCIETY
Comments on the
DRAFT SOUTHERN RIO GRANDE PLAN AMENDMENT/ENVIRONMENTAL IMPACT STATEMENT
for a Proposed State Land Exchange
and Dona Ana County Land Tenure Adjustment

30 June 1986

1. We Support BLM Retention of its Land in the Franklin Mountains.

We fully support BLM's intention to retain or acquire 8,710 acres in the Franklin Mountains to protect endangered-plant, recreation and visual resources. We believe, however, that additional lands should be retained or acquired to best accomplish these resource-protection objectives.

In particular, the Franklin Mountains Wilderness Coalition (FMWC) has proposed retention or acquisition of some 13,191 acres in and adjacent to the Franklins. We support this proposal. In addition to the core area that BLM identifies for protection, the FMWC proposal also includes lands on the lower footslopes of the Franklins that BLM has identified as suitable for disposal. Inclusion of these lands in the area to be retained or acquired is important because:

29-2

- In future years, as development begins to occur near the Franklins in New Mexico and as human impacts in the area increase, these lands will be an increasingly important buffer for the main mountain slopes.
- These lower-elevation lands include alluvial fans that are integrally related to the main slopes and should be protected with the main slopes as a single unit if the mountains are to be fully protected.
- They support a biotic association different from that on the main slopes. Their inclusion would increase the biological diversity of the protected area.
- They provide potential habitat for several sensitive plant species, including Opuntia arenaria, Coryphantha scheeri and Cereus greggii.

2. BLM Should Retain a Recreation/Wildlife Corridor Between the Organ and Franklin Mountains.

An obvious feature on the Preferred Alternative map (Visual 8) in the draft Southern Rio Grande Plan Amendment/Environmental Impact Statement (SRGPA/EIS) is the gap between the BLM lands to be retained in the Organ Mountains and those to be retained in the Franklins. The BLM lands between the two ranges are identified as suitable for disposal.



29-2 See response to Comment 11-1.

We believe disposal of the BLM land between the Organs and Franklins would be a serious mistake, and we strongly support and endorse the FMWC's proposal for a 5,360-acre recreation/wildlife corridor linking the two ranges.

The Organ Mountains Recreation Lands are a major recreational resource. The Franklin Mountains, including Franklin Mountains State Park, are likewise. Both will become increasingly important in this regard in the years ahead. By establishing a wildland corridor linking the two areas, BLM has a singular opportunity to enhance the recreational value of each.

It's an opportunity we would hate to see lost, especially since the corridor could be established with relative ease. The distance between the two ranges is only 4-5 miles, and, except for one State section and one 40-acre parcel of private land, all of the land in the corridor proposed by the FMWC is already BLM land.

29-3 The short distance between the Organs and Franklins also facilitates wildlife movement between the two ranges. The resulting gene flow is important to the long-term maintenance of viable wildlife populations in both the Organs and Franklins, but particularly in the Franklins. If the link between the two ranges were ever eliminated, the Organs would still retain their connection with the San Andres to the north. The Franklins, though, would become an island. The eventual loss of some wildlife species in the Franklins, particularly large mammals, would be a realistic possibility.

Taking a long-term view, we fear this scenario conceivably could be played out if the BLM disposed of all its land between the Organs and Franklins. This land would probably be developed in time and become a barrier to wildlife movement. East of the BLM lands, the Army also has land between the two ranges, of course. However, there is no guarantee the Army won't someday use its land in a way that prevents wildlife movement. In addition, because of greater topographic relief, presence of ephemeral drainages and presence of special habitat features such as stock tanks, the corridor proposed by the FMWC is probably more attractive to wildlife than is the Army land between the two ranges.

A farsighted approach calls for BLM to retain a wildland corridor -- for hiking and horseback riding between the Organs and Franklins, for wildlife movement and as wildlife habitat in its own right. The corridor would ensure for the future that the link between the two ranges cannot be severed.

3. We Support BLM Retention or Acquisition of Other Sensitive Areas.

We are pleased that the preferred alternative includes retention of BLM lands in such areas as the Old Refuge, Box Canyon and the Dona Ana Mountains.



29-3 See response to Comment 11-2.

We are also pleased that BLM has identified for acquisition:

- riparian areas at the Old Refuge and elsewhere along the Rio Grande,
- inholdings in the six Wilderness Study Areas in the county, and
- significant acreages of State, private and military-withdrawal lands in the Organ Mountains.

We note, however, that identifying a parcel for acquisition is not the same as actually acquiring it. We believe the final SRGPA/EIS should:

29-4

- include a statement that BLM will pursue diligently the acquiring of lands identified for acquisition;
- include an analysis of the likelihood of acquiring these lands (i.e., How likely are the current owners to give them up?);
- identify specifically any parcels where acquisition does not appear promising; and
- in the Impacts section of the document, qualify any statements about benefits of acquisition if acquisition of the land involved does not appear promising.

4. Disposals of BLM Land in Dona Ana County Should Be Through Exchanges for Land Identified for Acquisition in the County.

Under the proposed State land exhange addressed in the draft SRGPA/EIS, BLM will trade 10,000 acres of its land in Dona Ana County for State lands that are largely outside the county. In addition, some 73,560 acres of the 78,895 acres BLM will acquire in this trade will become military-withdrawal lands in the White Sands Missile Range, not accessible to the public.

In 1985, under another Southern Rio Grande Plan Amendment, BLM traded 21,131 acres of its land near Santa Teresa in Dona Ana County to a private individual in exchange for private land in northern Arizona that became part of the Navajo Indian Reservation.

29-5

We are concerned that future land exchanges may likewise benefit primarily other individuals or agencies and other areas at the expense of public lands in Dona Ana County. We ask that the final SRGPA/EIS include a statement that the top priority for future land exchanges will be to trade lands identified as suitable for disposal in Dona Ana County for lands identified for acquisition in the county. The acquisition of 5,035 acres of State land in the Organ Mountains, a part of the proposed State land exchange, is the type of trade we support and hope to see emphasized.



29-4 Much of the area designated for acquisition would be acquired through BLM/State exchanges. BLM and the State Land Office are actively engaged in exchange negotiations at this time. We are optimistic that these exchanges could happen in the near future.

All disposals and acquisitions discussed in the SRGPA/EIS are potential disposals and acquisitions, with the exception of the State Land Exchange proposal which was proposed by the New Mexico State Land Office and is analyzed in detail in this document. Other disposals and acquisitions will be considered on a site-specific basis as proposals are made and applications processed. In some cases, land exchanges have been or could be, proposed by State or private landowners; in other cases, BLM could propose land exchanges.

All future land exchanges involving the New Mexico State Land Office will be in accordance with the regulations concerning equal value as well as Memorandum of Understanding NM-212 between the BLM and New Mexico State Land Office (see Appendix K, Final pages 131 through 133).

29-5 The identification of public land that is suitable for disposal would provide (a) compensation to the State for State land in WSMR, (b) the base lands for possible future State and private exchanges, whereby each entity could consolidate their ownership, (c) accommodate the demonstrated needs expressed by City, County, and State Governments, other Federal agencies, or individuals, and (d) a basis for disposal of public land that is difficult or uneconomical for BLM to manage.

There is a general goal to consolidate public land holdings in a blocked-up pattern of land ownership. The areas shown on Visuals A and B are flexible and may be adjusted via disposals and acquisitions consistent with the Memorandum of Understanding (MOU) dated October 3, 1984, between BLM and the New Mexico State Land Office, and subsequent documents, and other applicable Federal authority for disposal of public land. Land not identified for land

5. The Final SRGPA/EIS Should Include an Assessment of Potential Impacts of Future Urbanization on Lands Identified for Disposal.

Land-tenure adjustments, if carried out as BLM proposes, can be expected to have significant cumulative impacts on the direction of future land use, including urban growth, in Dona Ana County. The appropriate place to evaluate these indirect, cumulative impacts is in the SRGPA/EIS. The draft document, however, declines to do so.

Regarding the proposed State land exchange, for example, it states:

> While an indirect effect of this proposed exhange may thus be urbanization of currently open lands, it is not possible to quantify the amount of lands so affected or the type of changes that would occur. To analyze community expansion with the information we know at this time is beyond the scope of this document (p. 4-1).

29-6 We disagree. Though precise quantification of impacts due to future development may not be possible, enough information is available to reach some reasonable qualitative conclusions about those impacts. We think this step should be taken.

In the final SRGPA/EIS we urge BLM to include a thorough qualitative assessment of impacts that could reasonably be expected to occur due to future urbanization both on the State land exchange area and on other lands identified as suitable for disposal. We are concerned that if such potential impacts are not evaluated in the SRGPA/EIS, they never will be evaluated in a comprehensive fashion. Indirect, development-related impacts that could follow from land-tenure adjustments will only be addressed piecemeal, if at all. There will be no evaluation of the cumulative effects that could follow from making these lands potentially available for development.

6. The Indirect Impacts of Disposal of Three Intensive ORV Areas Should Be Evaluated in the SRGPA/EIS.

The preferred alternative identifies three Open Intensive Off-road Vehicle (ORV) areas as suitable for disposal (Mossman Arroyo, Alameda Arroyo and Airport). If these areas are transferred out of BLM ownership, will BLM then establish other Open Intensive ORV areas to replace them? If the answer is yes, then the SRGPA/EIS should include an evaluation of the impacts that will result from establishment of such areas.

29-7



29-5 (cont'd) tenure adjustment in this plan amendment will generally be retained in compliance with Section 102(a)(1) of the Federal Land Policy and Management Act (FLPMA). Any land not identified for disposal but which is selected for disposal in the future will be removed from BLM ownership only if the action is consistent with the planning criteria (see Chapter 1 of the Draft). Any adjustments in the pattern of land ownership would be done in order to allow BLM to efficiently carry out its management of the public land. Priorities for blocking-up would include wilderness study areas, wildlife habitat, watersheds, land treatment areas, grazing administration, cultural values, and other resource considerations.

29-6 See response to Comment 22-1.

29-7 Opportunities for intensive ORV use areas on public land in Dona Ana County will be analyzed in a resource management plan (RMP) scheduled to begin in 1989. ORV designations for all public land in Dona Ana County will be made through that document. If problems develop before the RMP is completed, interim or emergency ORV designations can be implemented.

594 Orme Circle
Atlanta, GA 30306

June 27, 1986

William J. Harkenrider, Area Manager
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Harkenrider,

I am writing you concerning the Draft Impact Statement on proposed land tenure adjustments in Dona Ana County and a state land exchange.

I am in favor of the land tenure adjustments described in the Alternative III, the preferred alternative of the SRGRA/EIS.

I am in agreement with the BLM's plan to retain and aquire lands with important environmental values and sensitive resources. I feel that the BLM should manage the land to preserve its quality and value, not necessarily with the goal of maximizing monetary benefits from land use. I also believe that this philosophy of management will yield the greatest value to society in the long term. As the BLM is a federal agency, and the federal government is created by the public to act in the public's best concern, this approach is most logical.

I strongly disagree with the proposed exchange of 10,000 acres of BLM land on the East Mesa for 5,000 acres in the Organ Mountains and 73,559.29 acres of state land within WSMR. I do not think the DOD should use the BLM to solve their problem with the state. The DOD should be made to buy the state land within the WSMR.

30-1 I am also very interested in the BLM's plans for management of the WSA's within the Las Cruces/Lordsburg RA. Especially with respect to ORV use in the Robledo Mountains, the West Potrillo Mountains, and the other WSA's. I would appreciate it if you could send me a copy of the BLM's Interim Management Policy and Guidelines for Land Under Wilderness Review.

Sincerely,

John Pittenger



30-1 A copy of the BLM's Interim Management Policy and Guidelines for Land Use Wilderness Review has been sent to you under separate cover.

MESILLA VALLEY AUDUBON SOCIETY

P.O. BOX 2647, LAS CRUCES, NEW MEXICO 88001

July 2, 1986

Mr. Tim Read
Las Cruces/Lordsburg Resource Area
1800 Marquesa St.
Las Cruces, NM 88005

Dear Mr. Read:

On behalf of the members of Mesilla Valley Audubon Society, I would like to comment on the Southern Rio Grande Plan Amendment/Draft EIS-proposed State Land Exchange-Proposed State Land Exchange.

We endorse the concept of land exchanges to consolidate federal and state ownerships and particularly to eliminate inholdings in BLM wilderness study areas. We believe that these trades should be made on a favorable acreage basis to maintain as much land as possible in public ownership.

31-1 We oppose the State Land Exchange involving White Sands Missile Range. We believe that the military should pay the State of New Mexico in dollars rather than acreage. If this is not possible then we insist that the military include a 10,000 acre tract of mountain land in Soledad Canyon. We believe this land has small military value but night recreation value in blocking the Organ Mountain recreation area. The Department of Defense seems to be deriving all of the benefits without making any concessions. The 5,00 acres of state land in the Organs, as you propose, should be included. Also, if

31-2 it is necessary to include the 10,000 acres east of Las Cruces, we insist that BLM identify arroyos and flood prone areas unsuitable for development and require the state to maintain these areas in open space.

31-3 We are please that you plan to acquire the Old Refuge. We also support the corridor concept to join the Organ and Franklin Mountains.

Sincerely,

Harold Harrison

Harold Harrison
President

31-1 A decision on Court of Claims Suit No. 94-79L was made on October 21, 1981. The court determined that a "taking" had occurred. The title transfer of the 73,560 acres of State land in the WSMR to the Federal Government would assist the acquisition program of the U.S. Army and compensate the State of New Mexico with public land. The United States has a special trust responsibility to the State to ensure it has use of all lands granted under the State's Enabling Act for public education. (See Draft page 1-1.)

All future land exchanges involving the New Mexico State Land Office will be in accordance with the regulations concerning equal value as well as Memorandum of Understanding NM-212 between the BLM and New Mexico State Land Office (see Appendix K, Final pages 131 through 134).

The 5,000 acres of State land identified in the Organ Mountains is currently being addressed in the SRGPA/EIS as part of the proposed State Land Exchange Area. The 10,000 acres of military land in Soledad Canyon would have to be addressed as part of the Bureau of Land Management withdrawal review process.

Also see response to Comment 26-3.

31-2 See response to Comment 10-1.

31-3 See response to Comment 11-2.

**Dona Ana County Associated Sportsmen, Inc.**

P. O. Box 1417 Las Cruces, N. M. 88001

Dedicated to The Conservation of Soils, Forests, Waters, Wildlife, and All Natural Resources

Affiliated with
NEW MEXICO WILDLIFE FEDERATION

July 3, 1986

Mr. Tim Read
Las Cruces/Lordsburg Resource Area
1800 Marquess St.
Las Cruces, NM 88005

Dear Mr. Read:

On behalf of the members of Dona Ana County Associated Sportsmen, I would like to comment on the Southern Rio Grande Plan Amendment/Draft EIS-proposed State Land Exchange-Proposed State Land Exchange.

32-1 We oppose the State Land Exchange involving White Sands Missile Range. We believe that the military should reimburse the State of New Mexico in dollars rather than acreage. If this is not possible then we insist that the military include a 10,000 acre tract of mountain land in Soledad Canyon. We believe this land has little essential military value but recreation value in blocking the Organ Mountain recreation area. The Department of Defense seems to be deriving all of the benefits without making any concessions whatsoever. The 5,000 acres of state land in the Organs, as you propose, should be included. Also, if it

32-2 is necessary to include the 10,000 acres east of Las Cruces, we insist that BLM identify arroyos unsuitable for development and require the state to maintain these areas in open space.

We endorse the concept of land exchanges to consolidate federal and state ownerships and particularly to eliminate inholdings in BLM wilderness study areas. We believe that these trades should be made on a favorable acreage bases to maintain as much land as possible in public ownership.

32-3 We are very interested in the maintenance of BLM land in public ownership as well as acquiation and trade for private and state land to maintain the ecological integrity of Isaac Lake, a playa and key wildlife habitat, northeast of Las Cruces.

Sincerely,

Gary Webb

Gary Webb
President

GW/taa

32-1 See response to Comment 31-1.

32-2 See response to Comment 10-1.

32-3 We considered retention of the Isaack Lake area during the formulation of alternatives (see page 2-6 of the Draft). We concluded that it was more important to make East Mesa lands available for exchange for acquisition of more important areas such as the Old Refuge or the Rio Grande Riparian Area.

STATE CLEARINGHOUSE REVIEW (SCH) PROCESS SCH-1

(Upon completion return this form to the State Clearinghouse)

Application
[X] Draft Environmental Impact Statement -- Plan Amendment
State Plan

TO: Sally Rodgers, Governor's Office and John Brown, Environmental Review Coordinator, DFA

FROM: State Clearinghouse Bureau

The attached proposed action is submitted to you for review and comment. Please return this completed form by 4/24/86

A. Title: DEIS Southern Rio Grande Plan Amendment

2. Applicant: Department of Interior/BLM

C. State Application Identifier (SAI) No: NM 86 03 24-072

1. To the best of your knowledge, does the proposed action conflict with any applicable statute, policy, order, or regulation?
[ ] Yes If "Yes" please cite conflict on the reverse side
[X] No

2. Describe any concerns, suggestions or means of improving or strengthening the proposed action. Please note comments on reverse side: Comments from NRD, SHPO, EMD attached

3. Does the proposed action duplicate any activities which are geared towards the same target group?
[ ] Yes If "Yes" please identify on the reverse side
[X] No

4. Identify the masterplan or the comprehensive plan that this proposed action relates to: SLO proposed land exchange
Is the proposed plan compatible with the plan?
[X] Yes
[ ] No If "No" please cite conflicts on the reverse side

5. Identify the block grant, if any, which the proposed action relates to:
N/A

RECOMMENDED ACTION

[ ] Proposed action is supported
[X] Proposed action is supported with recommendations xxxxxxxx attached
[ ] Proposed action is not supported. Note comments on reverse side

Sally Rodgers 6/27/86 Policy Assistant, Governor's Ofc.
Reviewer/Date Agency

6/27/86 DFA/Mgmt. & Prog. Analysis Div.

cc: [ ] Applicant. This acknowledges receipt of your proposed action and it is now under clearinghouse review.





STATE CLEARINGHOUSE REVIEW CERTIFICATION FORM SCH-2

TO: Ms. Janet Fox DATE: June 30, 1986

TITLE: DEIS Southern Rio Grande Plan Amendment

APPLICANT: Department of Interior/BLM

STATE APPLICATION IDENTIFIER (SAI) NUMBER: NM 86 03 24-072

FEDERAL CATALOG NO.: 15-000

FEDERAL AGENCY: Mgmt & Prog. Analysis Div/ Policy Assistant, Governor's Ofc.

| PROPOSED FUNDING (PER 424 FORM) | AMOUNT | TYPE OF ACTION |
|---|---|---|
| FEDERAL | $ | ( ) Preliminary Review |
| APPLICANT | $ | (x) Final Review |
| STATE | $ | ( ) State Plan/Area Plan |
| LOCAL | $ | ( ) Draft Environmental Impact Statement |
| OTHER | $ | |
| TOTAL | $ | |

REVIEW RESULTS

Proposed action is supported.

Proposed action is not in conflict with State, Areawide or Local Plans.

Comments are attached for submission with this proposed action.

Clearinghouse Review Coordinator

TO THE APPLICANT

You may now submit your application package, this form, and all review comments to the Federal or State Agency(ies) from whom action is requested.

Please notify the State Clearinghouse (single point to contact) of any changes in this project. Refer to the SAI Number on all correspondence pertaining to this project.

Director
Title

Distribution:
White: Federal Agency
Green: Applicant
Canary: Clearinghouse

7/2/86
Date

## FEDERAL ASSISTANCE

OMB Approval No. 0348

1. TYPE OF SUBMISSION (Mark appropriate box): NOTICE OF INTENT (OPTIONAL) / PREAPPLICATION / APPLICATION

2. DATE

3. STATE APPLICATION IDENTIFIER

4. STATE GRANT IDENTIFIER

5. STATE APPLICATION IDENTIFIER: NM 86 03 24-072

6. DATE ASSIGNED BY STATE: 86 03 2

SECTION I — APPLICANT/RECIPIENT DATA

a. LEGAL APPLICANT/RECIPIENT

a. Applicant Name: U. S. Dept. of the Interior

b. Organizational Unit: BLM/Las Cruces District Office

c. Street/PO Box: 1800 Marquess St.

d. City: Las Cruces

e. County: Dona Ana

f. State: New Mexico

g. ZIP Code: 88005

h. Contact Person (Name): H. James Fox

i. Telephone No.:

5. EMPLOYER IDENTIFICATION NUMBER (EIN):

6. PROGRAM (From CFDA): a. NUMBER: 15.010

b. TITLE:

7. TITLE OF APPLICANT'S PROJECT (Use section VI of this form to provide a summary description of the project.):

DEIS Southern Rio Grande Plan Amendment
Proposed State Land Exchange and Dona Ana County
Land Tenure Adjustment

8. TYPE OF APPLICANT/RECIPIENT: Federal

(Enter appropriate letter)

9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.): Las Cruces Dona Ana New Mexico

10. ESTIMATED NUMBER OF PERSONS BENEFITING:

11. TYPE OF ASSISTANCE: A

12. PROPOSED FUNDING:

| | |
|---|---|
| a. FEDERAL | $ .00 |
| b. APPLICANT | .00 |
| c. STATE | .00 |
| d. LOCAL | .00 |
| e. OTHER | .00 |
| f. Total | $ .00 |

13. CONGRESSIONAL DISTRICTS OF: a. APPLICANT 02 b. PROJECT 02

14. TYPE OF APPLICATION: A

15. PROJECT START DATE: 19 86 04 24

16. PROJECT DURATION: Months

17. TYPE OF CHANGE (For 14a or 14b):

18. DATE DUE TO FEDERAL AGENCY: 19 86 04 24

19. FEDERAL AGENCY TO RECEIVE REQUEST: DOI/BLM

20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER:

a. ORGANIZATIONAL UNIT (IF APPROPRIATE):

b. ADMINISTRATIVE CONTACT (IF KNOWN):

c. ADDRESS:

21. REMARKS ADDED: Yes

SECTION II — CERTIFICATION

22. THE APPLICANT CERTIFIES THAT: To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant, and the applicant will comply with the attached assurances if the assistance is approved.

a. YES. THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE 3/24/86

b. NO. PROGRAM IS NOT COVERED BY E.O. 12372 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

23. CERTIFYING REPRESENTATIVE: a. TYPED NAME AND TITLE; c. SIGNATURE

24. APPLICATION RECEIVED: 19 (Year, month, day)

25. FEDERAL APPLICATION IDENTIFICATION NUMBER:

26. FEDERAL GRANT IDENTIFICATION:

SECTION III — FEDERAL AGENCY ACTION

27. ACTION TAKEN: a. AWARDED; b. REJECTED; c. RETURNED FOR AMENDMENT; d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE; e. DEFERRED; f. WITHDRAWN

28. FUNDING:

| | |
|---|---|
| a. FEDERAL | $ .00 |
| b. APPLICANT | .00 |
| c. STATE | .00 |
| d. LOCAL | .00 |
| e. OTHER | .00 |
| f. TOTAL | $ .00 |

29. ACTION DATE: 19 (Year, month, day)

30. START NO. DATE

31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number):

32. ENDING DATE

33. REMARKS ADDED:

STANDARD FORM 424 PAGE 1 (Rev.)



STATE CLEARINGHOUSE BUREAU MIS-7

NOTIFICATION OF AWARD

TO: State Clearinghouse Bureau
Department of Finance & Administration
Room 424 Executive Legislative Building
Santa Fe, New Mexico 87503
(505) 827-3888

DATE: [illegible]

FROM: U.S. Dept. of the Interior

Person Completing Form _____

Telephone Number _____

Please complete both sides of this form and return to the Management & Contracts Division upon receipt of Federal Action.

APPLICANT: U.S. Dept. of the Interior/BLM

PROJECT TITLE: DEIS Southern Rio Grande Plan Amendment

FEDERAL CATALOG NUMBER: 15.000

S.A.I. NUMBER: NM 86 03 24-072

ACTION TAKEN BY FEDERAL GOVERNMENT:

_____FUNDED AS SUBMITTED _____AMOUNT INCREASED _____AMOUNT DECREASED

_____APPLICATION REJECTED _____OTHER(SPECIFY) _____

FUNDING AS AWARDED:

| | AMOUNT |
|---|---|
| FEDERAL | $ _____ |
| STATE | _____ |
| LOCAL | _____ |
| OTHER | _____ |
| TOTAL | _____ |

EFFECTIVE DATE OF GRANT
MO. DA. YR.

ENDING DATE OF GRANT
MO. DA. YR.

This letter from the State of New Mexico, Office of Cultural Affairs, Historic Preservation Division is identical to Letter 12 received earlier; please see that letter for response.

STATE OF NEW MEXICO
OFFICE OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

TONEY ANAYA
GOVERNOR

VILLA RIVERA ROOM 101
228 EAST PALACE AVENUE
SANTA FE, NEW MEXICO 87503
(505) 827-8320

CLARA APODACA
CULTURAL AFFAIRS OFFICER

THOMAS W. MERLAN
DIRECTOR

June 23, 1986

MEMORANDUM H-204

TO: David Miller
Natural Resources Department

FROM: Thomas W. Merlan, Director
Historic Preservation Division

RE: Las Cruces BLM: Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement: Proposed State Land Exchange and Dona Ana County Land Tenure Adjustment (March 1986)

We have reviewed the above document for cultural resource concerns. We commend the Bureau for its proposal under the Preferred Alternative to acquire approximately 40,000 acres of non-federal lands that may contain significant cultural resources. In the areas identified for disposal in the Preferred Alternative, the Bureau has given generally appropriate consideration to cultural resources in the proposed State Land Exchange by means of preliminary planning surveys and establishment of an agreement with the State Land Office for long-term cultural resource responsibility. However, in the remaining 80,000 acres identified for disposal in the Preferred Alternative, in our opinion, the Bureau has not adequately considered the indirect and cumulative impacts on cultural resources in its land use planning process.

Federal land exchanges must comply with Sections 106 and 110 of the National Historic Preservation Act, as amended. This requires the BLM to "consider the effects" of its actions on National Register eligible or listed sites and to "exercise caution" that potentially eligible resources are not inadvertently transferred from federal ownership or control. Federal regulation 36 CFR 800 requires federal agencies to consider the effects of its actions on cultural resources as early as possible in the planning process, rather than deferring such consideration to the transaction stage.



Removing sites from federal ownership generally constitutes an adverse effect under 36 CFR 800, since the protection afforded by federal legislation is much greater than currently exists under State and local laws or regulation. Maximum retention of federal lands is generally the most desirable measure for ensuring the protection of archaeological and historic sites. When this is not feasible, federal agencies generally complete intensive cultural resource inventories of sites in proposed transfer areas. If the documented sites are valuable primarily for scientific research, provision is made for excavation or other data recovery. Some sites require preservation in place. Such sites are generally excluded from proposed exchange areas and retained in federal ownership. Whenever possible, inventories should be conducted as part of the land selection planning process, rather than deferring inventory to the transaction stage.

One of the major problems with federal land exchanges is that cultural resources are rarely given meaningful consideration in the early phases of land use planning. It is BLM policy to protect and preserve representative samples of the full array of cultural resources for scientific and socio-cultural use by present and future generations. In actual practice, however, the Bureau often fails to implement that policy. For example, as part of the Navajo-Hopi land settlement last year, the Bureau disposed of some of the few remaining prehistoric village sites in the lower Rio Grande of New Mexico. This was inconsistent with Bureau policy.

In general, we feel that the Bureau has taken appropriate steps to evaluate potential impacts to cultural resources in the proposed 10,000 acre State Land Exchange area and to provide for their long-term protection. This included a sample survey conducted as part of the selection planning process. In terms of subsequent protection in this area, the State Land Office will assume the Bureau's responsibility for completing additional inventories on the remainder of the tract, under the terms of a February 1985, Memorandum of Agreement among the Bureau, the State Land Office and this office. The State Land Office will also require the compilation of any necessary data recovery prior to authorizing any new use of these lands, and carry out other affirmative cultural resource management responsibilities that BLM currently has under federal law, such as protecting sites from vandalism.

In terms of the remaining land disposal areas, however, in our opinion, the Bureau has not completed cultural resource inventory or analysis adequate to identify potential impacts to cultural resources, either for specific tracts or for the cumulative impacts of the realty transactions. Page 1-3 of the DEIS indicates that Bureau specialists "identified resource inventory needs and collected data accordingly." However, under 36 CFR 800, inventory needs are to be determined in consultation with the State Historic Preservation Officer. Section 106 cultural resource consultation thus far has included only the State Land Exchange. We suggest that the Bureau initiate the consultation process for the remainder of the areas.

The EIS appears to be based on the assumption that there are adequate data to conclude that all of the cultural resources in the various disposal areas are suitable for exchange. This conclusion appears to be based on very limited amounts of existing data and no additional inventory. It also appears to assume that the proposed actions will have no effect on non-federally owned resources in Dona Ana County. In our opinion, the EIS needs to consider both indirect and cumulative impacts, rather than simply tract-specific impacts. It needs to specify and

evaluate the adequacy of the existing level of cultural resource information. It also needs to identify measures to be taken to ensure that the Bureau is preserving representative samples of the full range of archaeological and historic resources in the southern Rio Grande area. Some of the latter considerations may have been evaluated at least informally by the Bureau, as evidenced by its analysis of the proposed acquisition areas on page 4-22. If so, however, this should be made more explicit.

We recommend that the Bureau complete a more thorough cultural resource analysis as part of the DEIS revision process. We suggest that this analysis include all of Dona Ana County rather than just the BLM tracts, since the BLM's land ownership adjustment will affect the patterns of development in adjacent areas. In our opinion, this analysis should consider level of existing data, data gaps, types of sites, ownership patterns, and geographic distribution of various types of sites across the larger area. This type of analysis can be accomplished with existing computerized data bases, such as the State's Archaeological Records Management System. This analysis should evaluate variables such as site condition and special management needs such as sites which may require preservation in place or which may merit nomination to the National Register.

We would appreciate the opportunity to review the additional cultural resource analysis prior to issuance of the final EIS.

Let us know if you have any questions.

cc: John Brown, Office of Policy Analysis

STATE OF NEW MEXICO
NATURAL RESOURCES DEPARTMENT

TONEY ANAYA
GOVERNOR

RESOURCE MANAGEMENT & DEVELOPMENT DIVISION
VILLAGRA BUILDING, SUITE 129
SANTA FE, NEW MEXICO 87503
(505) 827-7830

LEO GRIEGO
SECRETARY

SOUTHERN RIO GRANDE PLANS AMENDMENT/EIS

Wilderness

There are eix BLM managed Wilderness Study Areee in Dona Ana County. The Governor hae expreesed eupport for the All Wilderness alternative statewide, including the six WSA's in Done Ana. The preferred elternetive deecribed in the Southern Rio Grande Plen Amendment ie the best alternative in terms of enhencing wildernese values end menegeability of the Done Ana WSA's. The preferred alternative ellows BLM to acquire 19,405 acres in end adjacent to the WSA'e. The consolidation of lends by exchange in end adjacent to the Organ Mountaine WSA will greatly enhence this WSA's manageability. The BLM Statewide Wilderness Study (May 1986) recommends the Organ Mounteins WSA for wilderness desigretion. The preferred alternetive will further enhance BLM's wilderness recommendation

Recreation

33-1 Diepoeel of lands on the east Mesa could cause eignificant probleme due to the lose of inteneive use ORV areas. This displaced uee will naturally move to other, less impacted areas. BLM should consider replacement areae, trensfer of these lands to other entities for continued management as ORV areas, or retention or partial retention. ORV use in the Las Cruces area ia significant and management is essential.

Acquisition by BLM of areas in the Organ Mountains and at Kilbourne Hole area would give BLM better, more effective control over these areas. Since much of the OMRL area ie in SPM and SPNM claeeea, management of the area would be significantly improved particularly with respect to vehicles. Different rules on different land managers creates numerous problems because of lack of knowledge concerning these rules. One agency management would help reduce this problem.



33-1 See response to Comment 29-7.

STATE OF NEW MEXICO
ENERGY AND MINERALS DEPARTMENT
525 Camino de los Marquez
Santa Fe, New Mexico
87501

TONEY ANAYA
GOVERNOR

June 10, 1986

MEMORANDUM

TO: David Miller
Natural Resources Department

FROM: Paul Biderman, Secretary
Energy and Minerals Department

RE: BLM's Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement (SRGPA/EIS)

In response to your request for comments on the above-referenced document, I offer the following on behalf of the Department.

It appears that the State would benefit to a significant degree if either Alternative II or III were selected for implementation. Under both alternatives, the proposed State land exchange would proceed. This, in turn, would result in the State acquiring surface ownership to some potentially very valuable acreage on the Las Cruces East Mesa - an area with proven geothermal resources and community expansion (annexation) potential. Furthermore, the referenced Court of Claims suit would finally be settled and in a manner satisfactory to the State Land Office. Since both alternatives facilitate the proposed exchange, in that respect the selection of either alternative is acceptable.

33-2 There is, however, one significant concern regarding the proposed disposal of those Federal lands on the Las Cruces East Mesa under Alternatives II and III. The document states that under either alternative the mineral estate associated with an existing lease would be retained in Federal ownership until the expiration of the lease; the surface estate would nevertheless be disposed. This situation could make it extremely difficult to develop and utilize known geothermal resources on the Las Cruces East Mesa. The U.S. Bureau of Land Management currently has in effect regulations which provide for the surface use of Federal lands for direct-use geothermal applications. Specifically, the regulations in 43 CFR Part 3250 allow for the construction and operation of greenhouses, crop dryers, and other facilities on Federal lands under geothermal lease. It appears

OFFICE OF THE SECRETARY
(505) 827-5950

ADMINISTRATIVE SERVICES DIVISION (505) 827-5925 | CONSERVATION & MANAGEMENT DIVISION (505) 827-5860 | MINING & MINERALS DIVISION (505) 827-5970 | RESOURCE & DEVELOPMENT DIVISION (505) 827-5900

OIL CONSERVATION DIVISION
(505) 827-5800

Land Office Building, P.O. Box 2088, Santa Fe, New Mexico 87501



33-2 The text describing mineral leasing on Draft pages 4-9 and 4-19 reflects the law in general concerning mineral leasing. As stated on Draft page 2-2, the 10,000 acres proposed for exchange would be subject to disposal of surface only. The Federal Government would retain all minerals in the area covered by the exchange.

The geothermal leaseholders would retain priority in surface use, regardless of surface ownership. The leaseholder would retain this right for the life of the lease. The leaseholder would however have to compensate the surface owner for access and damage to surface improvements.

If lands with geothermal resources were transferred to the City of Las Cruces, no new leases could be issued in the affected area. Leases in effect at the time of transfer would have prior existing rights. These rights would be guaranteed for the life of the lease or until production had ceased.

33-2 cont.

that if the surface estate were transferred out of Federal ownership, the utilization of geothermal resources which are under Federal lease on the Las Cruces East Mesa would not be guaranteed. For example, if a Federal geothermal leaseholder wanted to construct a commercial greenhouse directly above and heated by his proven geothermal resource on the East Mesa, it may not be possible should that land (i.e., surface estate) be transferred to the City of Las Cruces for industrial or residential development. Therefore, it is important that the BLM address and provide a legally defensible solution to such potential conflicts prior to their occurrence.

Between Alternatives II and III, Alternative III appears to be the one which would not only impact energy and minerals development the least, but also provide both the State of New Mexico and the City of Las Cruces with opportunities to acquire significant acreage of potentially valuable land. In addition, Alternative III identifies over 37,000 acres of non-federal land for acquisition to better protect those SMAs (Special Management Areas) previously established by the BLM. More efficient and effective management of these areas will ultimately benefit New Mexico citizens who use and/or enjoy those areas' resources. Thus, the Department supports the BLM's selection of Alternative III as its preferred alternative.

This letter from the State of New Mexico Department of Game and Fish is identical to Letter 10 received earlier; please see that letter for responses.

GOVERNOR
TONEY ANAYA
DIRECTOR AND SECRETARY
TO THE COMMISSION
HAROLD F. OLSON

State of New Mexico

DEPARTMENT OF GAME AND FISH

STATE CAPITOL
SANTA FE
87503

STATE GAME COMMISSION
JAMES H. KOCH, CHAIRMAN
SANTA FE
A. H. GUTIERREZ, JR., M. D.
CARLSBAD
CHRISTINE DiGREGORIO
GALLUP
THOMAS F. ARVAS, D. D.
ALBUQUERQUE
JAKE ALCON
ALBUQUERQUE

June 12, 1986

Tim Read
Acting Area Manager
Las Cruces/Lordsburg Resource Area
1800 Marquess Street
Las Cruces, New Mexico 88005

Dear Mr. Read:

I have reviewed the Draft Southern Rio Grande Plan Amendment Environmental Impact Statement for the proposed state land exchange and Dona Ana County land tenure adjustment. I concur with your selection of Alternative III as the Preferred Alternative. This alternative best resolves the facilitation of land tenure adjustment while protecting important environmental values and sensitive resources. I would like to thank you for the opportunity to comment on the Plan, and propose two additional measures to be incorporated into the Preferred Alternative.

The first measure involves the disposal of the 300 acres of wetland/riparian habitat (30% of the BLM current holdings) and the "estimated 30 percent of the arroyo-riparian habitat type remaining on public land in the County" (p. 4-21). I am concerned over the future status of these invaluable fish and wildlife habitats, and recommend their retention by the Bureau of Land Management. The management difficulties incurred by maintaining these lands may be alleviated through the cooperation of our two agencies, and I propose we explore this option further.

The second measure for incorporation is one that insures the protection of the 2793 acres of additional riparian habitat proposed for acquisition. The Plan states that the acquired



33



wildlife and riparian lands would "probably" not be grazed or used for mineral material sales (pp. xxi & 4-19). These sites need to be protected and a withdrawal status from mineral development, grazing, ORV use, and other disturbance activities needs to be instituted.

Sincerely,

Harold F. Olson
Director

csp

# MODIFICATIONS AND CORRECTIONS TO THE DRAFT PA/EIS

# MODIFICATIONS AND CORRECTIONS TO THE DRAFT PA/EIS

INTRODUCTION

The modifications and corrections section contains revisions made to the Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement (SRGPA/EIS) based on new or more complete information, changes in BLM guidance since release of the Draft, or errors and omissions identified through the public review process. Minor changes are incorporated into the Errata section below. Where significant changes have been identified, the entire page has been reprinted with changes highlighted.

ERRATA

The following changes in the Draft SRGPA/EIS are of editorial nature and are relatively minor. Consequently, the affected pages have not been reprinted in full. These changes are to be incorporated into the Draft SRGPA/EIS.

---

Throughout document. Acreage figures should be changed as follows:

Alternative II - Favor Disposal
- Disposal--108,472 to 108,118
  - Land difficult and uneconomical to manage or where interest shown--5,791 to 5,437
- Retention--998,215 to 998,569

Alternative III -- Preferred
- Disposal--81,684 to 75,304
  - East Mesa--71,957 to 65,931
  - Land difficult and uneconomical to manage or where interest shown--5,791 to 5,437
- Retention--1,025,003 to 1,031,383
  - West Mesa and Organ Mountains--1,013,658 to 1,014,012
  - Franklin Mountains--8,480 to 9,831
- Acquisition--41,001 to 45,258
  - Lands in WSAs, Organ Mountains, and Kilbourne Hole--37,568 to 40,493
  - Franklin Mountains--640 to 1,292

CHAPTERS

Page 2-5, column 2, paragraph 3, line 5. Change 190 to 175, as follows:...a total of 175 acres would continue...

Pages 3-5 through 3-12, GEOLOGY AND MINERALS. The Geology and Minerals information, if not referenced in this document was taken from work completed in the Management Situation Analysis (MSA). All information in the MSA is completely referenced.

Page 3-6, column 2, paragraph 5. Add the word known, as follows: Map 3-2 shows general locations of known locatable minerals within Dona Ana County.

Page 3-31, column 2, paragraph 2, line 12. Change Southern Rio Grande MFP (BLM 1982) to Las Cruces/Lordsburg MFP Amendment (BLM 1984), as follows:...as a result of a decision made in the Las Cruces/Lordsburg MFP Amendment (BLM 1984).

Page 3-39, column 1, paragraph 3, line 12. Delete the sentence, This is approximately 77 percent of the total 10,652 AUs available in the County.

Page 3-40, column 1, paragraph 1, line 3. Change 5013 to 5009, as follows:...P. Price (5009)...

Page 4-2, column 2, paragraph 4. Delete entire sentence. Replace with the following sentence: The one pending R&PP application, NM 52173 Las Cruces Christian Church would be processed on a site-specific basis by the BLM.

Page 4-8, column 1, paragraph 3, line 9. Delete the word sale, as follows: These prices are determined...

Page 4-8, column 2, paragraph 6, line 9. Delete the word sale, as follows: These prices are determined...

Page 4-9, column 1, paragraph 2, sentence 1. Delete entire sentence. Replace with the following sentence: The one existing R&PP lease, NM 0559218 Dona Ana County-Butterfield Park Landfill and the one pending R&PP lease application, NM 52173 Las Cruces Christian Church would be retained by the BLM within the proposed exchange area.

Page 4-15, column 1, paragraph 4. Add after last sentence: Accurate estimates of possible losses of profits from future mineral material sales can not be made at this time because of the many variables involved; estimates will be included in site-specific EAs when and if conveyances of minerals from Federal ownership are proposed.

Page 4-17, column 2, paragraph 2, line 9. Delete the word sale, as follows: These prices are determined...

Page 4-18, column 1, paragraph 7, sentence 1. Delete entire sentence. Replace with the following sentence: The one existing R&PP lease, NM 0559218 Dona Ana County-Butterfield Park Landfill and the one pending R&PP lease application, NM 52173 Las Cruces Christian Church, would be retained by the BLM within the proposed exchange area.

Page 4-25, column 2, paragraph 3. Add after last sentence: Accurate estimates of possible losses of profits from future mineral material sales can not be made at this time because of the many variables involved; estimates will be included in site-specific EAs when and if conveyances of minerals from Federal ownership are proposed.

APPENDICES

Page A-1, (Appendix A-1), column 3 (Section), line 32. Change 2 to 3, as follows: TOWNSHIP 23 S., RANGE 2 E., SECTION 3, SUBDIVISION Lot 1, ACRES 39.57.

Page C-1, (Appendix C), column 4 (Status), under Cereus greggii, night-blooming cereus. Add FL/C (CAT II) to Status.

GLOSSARY

Page GL-3, column 1, paragraph 6 (EASEMENT), line 6. Delete the numeral 5, as follows:...[2920.0-5(b)].

Page GL-3, column 2, paragraph 4 (EXCHANGE), line 4. Delete the word not, as follows:...ownership which do have value...

ILLUSTRATIONS (Maps/Visuals)

Maps 2-1 and 2-2, and Visuals A and B. Delete pending public purpose use in State Land Exchange Area for Hacienda Acres Park (T. 22 S., R. 3 E., Section 18, S1/2S1/2 of Lot 4) and add that area to the retention area for Map 2-2 and to the disposal areas for Visuals A and B. Plans for the Hacienda Acres Park project were cancelled in a letter to BLM from the Dona Ana County Planning Department on April 17, 1986.

TABLES

Table 2-1, Summary of Alternatives. The changes made to the Summary of Alternatives Table under the Summary section also apply to this table.

Table 2-2, Summary of Impacts. The changes made to the Summary of Impacts Table under the Summary section also apply to this table.

Table 3-17, NON-AGRICULTURAL EMPLOYMENT-DONA ANA COUNTY, Column 1, Total Non-Agricultural Employment, Mining. Add the following footnote: Note: a/ Number is relatively small and is not shown because of rounding.

Table 3-18, DISTRIBUTION OF EMPLOYMENT, DONA ANA COUNTY, 1982, Column 1, Nonfarm, Mining. Add the following footnote: Note: a/ Number is relatively small and is not shown because of rounding.

CHANGES TO THE TEXT

As a result of changes due to public comments, other agency review, and internal review, the following Draft SRGPA/EIS pages have been reproduced in full.

| Draft Page | Final Page |
|---|---|
| 2-2 | 97 |
| 2-3 | 98 |
| 2-6 | 99 |
| 3-4 | 100 |
| Visual B (Map Pocket) | 101 |

ownership would be done in order to allow BLM to efficiently carry out its management of the public land. Priorities for blocking-up would include wilderness study areas (WSAs), wildlife habitat, watersheds, land treatment areas, grazing administration, cultural values, and other resource considerations.

Support for land disposal and acquisition actions would include cadastral survey, appraisal, and conflict resolution. Site-specific Notices of Realty Action, land reports, and Environmental Assessments (EAs) would be completed prior to any disposal or acquisition (except for the State Land Exchange proposal which is analyzed in detail in this document).

Other lands-related activities that may occur in addition to sales, exchanges, easement acquisitions, and R&PP patents include: (a) R&PP leases; (b) permits, leases, and easements; (c) rights-of-way (ROWs); (d) withdrawals and withdrawal reviews; (e) classifications; and (f) other activities necessary to accomplish BLM's mandated tasks.

Those isolated parcels of public land within the boundaries of the Elena Gallegos Exchange are reserved by MOUs with the City of Las Cruces and the Las Cruces School District No. 2 for future development under the R&PP Act. Within the 10,000 acres of public land in the State Land Exchange Area, the following 35 acres will be reserved for existing and pending R&PP leases: T. 22 S., R. 3 E., Section 17, N1/2NE1/4SE1/4, SE1/4NE1/4SE1/4, NM 0559218 Dona Ana County-Butterfield Park Landfill; T. 23 S., R. 2 E., Section 3, W1/2SW1/4SW1/4SW1/4, NM 52173 Las Cruces Christian Church (See Map 2-1).

The BLM's preferred method for land tenure adjustments will be to include both surface and subsurface estates, where possible. For the State Land Exchange proposal, only the surface estates would be exchanged. Prior to the disposal of any parcel of public land, whether surface only or surface and subsurface (mineral estate), a mineral report must be completed. The report will be required to assess the mineral potential or mineral character of the involved lands or determine if disposal of the surface will unreasonably interfere with development of the mineral estate. Recommendations are made concerning the suitability of the parcel for disposal based upon the findings of the report. In this way, impacts to mineral exploration and development resulting from land disposal are minimized. Within the 10,000 acres of public land in the State Land Exchange Area, the following 140 acres will be retained for existing sand and gravel claims: T. 23 S., R. 2 E., Section 3, S1/2SE1/4NE1/4, S1/2SW1/4NE1/4, N1/2NE1/4SE1/4, N1/2NW1/4SE1/4, S1/2SW1/4SE1/4, SE1/4SE1/4 (see Map 2-1).

Any water rights held by BLM would be transferred along with any land disposal. Water rights on public land held by a grazing permittee or other private party would remain the property of the private party and would not be transferred as part of the proposal.

Federal-listed threatened or endangered and sensitive species will be managed according to applicable laws and policies. Consultations with the U.S. Fish and Wildlife Service will occur as necessary on specific actions, and all identified habitats for threatened or endangered and sensitive species will be managed for recovery of the listed species or to prevent listing of sensitive species. The purposes of the Endangered Species Act [Public Law 97-304 as amended, Sec. 2 (b)] "are to provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved, ..." Section 7 (a) of Public Law 97-304 (1) directs "The Secretary (of the Interior) shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act." Section 7 also directs all Federal agencies to, "in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act." The BLM has developed policies and guidance to implement its responsibilities under Public Law 97-304. Included is a policy of management of "sensitive species" and their habitat to avoid the need for official listing as threatened or endangered species. Included in the category of "sensitive species" are those plant and animal species whose numbers are declining so rapidly that official listing may become necessary as a conservation measure.

All riparian and wetland areas will be retained in Federal ownership except in compliance with BLM policy (Manual 6740) or in compliance with Executive Order 11990. Executive Order 11990 requires "When Federally-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way or disposal to non-Federal public or private parties, the Federal agency shall (a) reference in the conveyance those uses that are restricted under identified Federal, State or local wetland regulations, and (b) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law; or (c) withhold such properties from disposal." Map 2-1 shows the locations of the arroyo-riparian areas within the 10,000 acres of public land in the State Land Exchange Area. These arroyo-riparian areas, although recognized as valuable wildlife areas, are not within the intent of Manual 6740 or Executive Order 11990.

Regulations (43 Code of Federal Regulations [CFR] 4120.3-6(c)(d)) provide for reimbursement of rangeland improvements to the rangelands users for their contributions. This reimbursement is based on the appraised value of the improvement at the time of disposal or exchange. The cost of compensating the permittee would be borne by the agency requesting or benefitting from the exchange. The value of Federally appropriated funds used in rangelands improvements would be included in the appraised value of the land, but there would be no reimbursement to the Range Betterment Fund. However, if the land is transferred to the State of New Mexico, a reimbursement may not be appropriate since grazing use would continue as in the past and the rangeland user would be issued a permit for the improvement on State land. (See Appendix J in the Additions to the Draft PA/EIS Section of this Final.)

Regulations (43 CFR 4110.4-2(b)) state that when public land is disposed of or devoted to a public purpose which precludes livestock grazing, the permittees and lessees shall be given 2 years prior notification before their grazing lease or preference may be cancelled. A permittee or lessee may unconditionally waive the 2 year prior notification.

For the proposed State Land Exchange with the State of New Mexico, the conditions are described in a letter from the Commissioner of Public Lands (see Appendix J.) As stated in the letter, the existing livestock grazing use will be authorized by the State and hunting will continue to be allowed during established seasons. Recreation uses on State land will be at the discretion of the State and their lessees. The mineral estate will be reserved by the U.S. Government and the mineral leasees will retain the right of exploration and development of the leasehold. For cultural resources, a Memorandum of Agreement between the New Mexico State Historic Preservation Officer and the BLM was signed on February 19, 1985, which established cooperative procedures to be followed in protecting significant cultural resources on public land which is transferred to the State of New Mexico (see Appendix F-1 for a copy of the Agreement).

## ALTERNATIVES CONSIDERED IN DETAIL

### Alternative I - Favor Retention Alternative (No Action)

#### Objective

The Favor Retention Alternative (No Action Alternative) reflects a continuation of current management direction and existing land use plan decisions for land tenure adjustment.

#### Components

Current management would continue as outlined in the Southern Rio Grande Management Framework Plan (MFP) (BLM 1982). Proposals for land tenure adjustment would be processed and analyzed as they are proposed and received. Approximately 200 acres would be considered annually. The following areas would be considered for disposal, retention, or acquisition. Map 2-2 shows the locations of the areas. (See Appendix A for legal descriptions of lands in the State Land Exchange Area; legal descriptions for other proposed disposal and acquisition areas are given in Technical Report I.)

When the Commissioner of Public Lands filed the State exchange application NM 61209 for the selected 10,000 acres of public land, he identified an additional 70,000 acres of public land that the State would like to select for future exchanges. Subsequently, he requested that another 161,000 acres of public land be added for future exchanges. The 161,000 acres of public land are located southwest of La Mesa, New Mexico and extend to the International Boundary between the United States and Mexico. The BLM plans to retain these lands because they meet the approved planning criteria, are well-blocked, and the management potential could be improved by acquiring the non-Federal inholdings.

The City of El Paso Water Utilities Public Service Board has filed ROW applications NM 63876 (Hueco Bolson well HU 12 through HU 71 inclusive) and NM 63877 (Mesilla Bolson wells LRG 93 through LRG 357 inclusive) for well sites, interconnecting pipelines, access roads, and electric powerlines. The City of El Paso would like the public land to remain in Federal ownership and be able to acquire the ROWs from BLM rather than from a private party or another Government entity. The Bureau can begin processing the rights-of-way applications and environmental impact statement(s) for the proposed well fields before permits are obtained from the New Mexico State Engineer. Map 2-3 shows the location of the proposed well fields. The issue is whether the City of El Paso can acquire water in New Mexico and not whether the public land should be retained in Federal ownership. The water resource is administered by the New Mexico State Engineer, and is not under the jurisdiction of the BLM. ROWs may be obtained from private parties or other Government entities as well as the BLM. The retention or disposal of public land will not affect the City of El Paso's application to appropriate water in New Mexico.

Two public comments requested that the BLM consider acquisition of State and private lands in the Isaack Lake area. The BLM also considered proposing acquisition of a riparian area on State land located in T. 21 S., R. 3 W., Section 25, S1/2. These acquisition proposals were not incorporated into any of the three alternatives because of the general goal to consolidate public land holdings in a blocked-up pattern of ownership. Riparian areas proposed for acquisition under the Preferred Alternative are the Rio Grande riparian area and the Old Refuge area (see Visual B).

## COMPARISON OF ALTERNATIVES

Table 2-1 summarizes the specific components of each alternative. Table 2-2 summarizes and compares the potential impacts of each alternative on the different resources affected. Chapter 4 more fully describes those potential impacts.

percent within Dona Ana County. The LC/LRA is currently working on a number of large ROWs. These projects include the All American and Pacific-Texas Pipelines, the Greenlee-Rio Grande 345 kv transmission line, and the water well sites and related facilities for the El Paso Water Utilities Public Service Board. All of these projects are located in southern Dona Ana County.

Since 1979, an average of 7,300 acres per year of public land has been transferred into other ownership within the LC/LRA. These transfers have taken place as public sales, R&PP patents, exchanges, airport act patents, and sales to resolve occupancy.

Public land currently identified for disposal includes 1,010 acres that have been previously identified as isolated and difficult to manage tracts, 552 acres of old small tract sale areas, and approximately 1,700 acres for public purposes, as indicated by expressed needs of the City of Las Cruces, Dona Ana County, and other non-profit organizations.

Additionally, the State of New Mexico has identified, through an application for exchange (NM 61209), approximately 10,000 acres of public land in Dona Ana County for exchange for compensation of State land in White Sands Missile Range (WSMR). The State of New Mexico also identified additional lands in Dona Ana County as potential base lands for future land exchanges in a Memorandum dated February 18, 1985.

There are currently four areas of public land within Dona Ana County remaining under the Classification and Multiple-Use Act (Public Law 88-607). These areas are the Baylor Recreation Area, the Organ Mountains Recreation Area, the Dona Ana Recreation Area, and the Needle's Eye Picnic Site.

There are seven major withdrawals and four cooperative agreements with the BLM for use of public land in Dona Ana County.

State Land Exchange Area

The area covered by the 10,000 acres selected by the State of New Mexico in proposed exchange NM 61209 is immediately east of and adjacent to public land patented out of Federal ownership as a result of the Elena Gallegos Land Exchange in 1982.

The Elena Gallegos land (2,834 acres) was selected for the exchange process in 1982 due to its designation by the Southern Rio Grande Management Framework Plan (SRG MFP) and the City of Las Cruces as suitable for future city expansion. The City of Las Cruces concluded that their future growth would be directed towards the east because of existing utilities in that area.

It is assumed by the City of Las Cruces and Dona Ana County that significant growth in Dona Ana County will occur in the Mesilla Valley, east of the Las Cruces city limits, and along U.S. Highway 70. Based on this assumption, the City and County have identified potential areas for annexation and potential areas of need for parks, schools, landfills, and other public purposes east of Las Cruces.

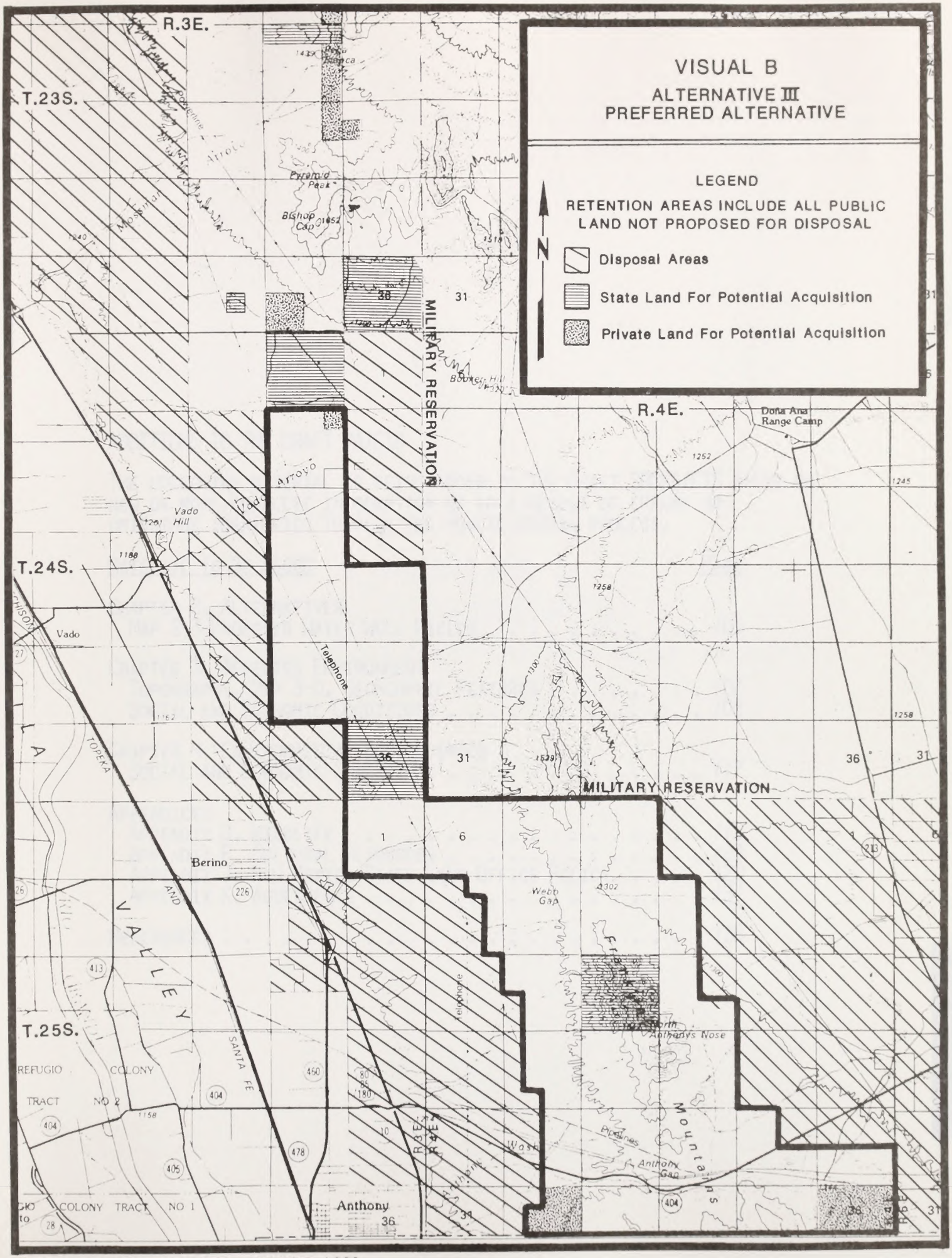
Dona Ana County, Las Cruces School District No. 2, the City of Las Cruces, and other interested individuals have identified potential areas of need for public purposes, either within or near the 10,000 acres.

The public land in the 10,000 acres is well consolidated and is currently being managed by the BLM for multiple-use, including present and future leases and patents for public purposes and associated ROWs.

There is currently 1 R&PP lease within the 10,000 acres, 1 R&PP application, 2 proposed sites for school locations, and 1 proposed site for a recreation area.

The BLM leases these public purpose areas to qualified applicants for $0.25 per acre per year or patents them for $2.50 per acre under the Special Pricing Program or at a 50 percent reduction for cemeteries and churches or a 10 percent reduction if use will be restricted to members of a particular limited group, such as fraternal and religious groups. These prices are determined in accordance with 43 U.S.C 869-1(a) and (c). The State of New Mexico requires fair market rate for all uses of its land.

The State of New Mexico has identified 5,000 acres of State land in the Organ Mountains, through an application for exchange (NM 61209), which would add to the Federal land acreage that is managed for multiple-use and help block-up public land.




SOURCE: USDI BLM Las Cruces District, 1986

## ADDITIONS TO THE DRAFT PA/EIS

THE FOLLOWING MATERIAL IS BEING ADDED TO THE DRAFT SRGPA/EIS BASED ON NEW OR MORE COMPLETE INFORMATION OR AS A RESULT OF ERRORS OR OMISSIONS IDENTIFIED THROUGH THE PUBLIC REVIEW PROCESS.


| MATERIAL TO BE ADDED | PAGE |
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| CHAPTER 3, AFFECTED ENVIRONMENT | |
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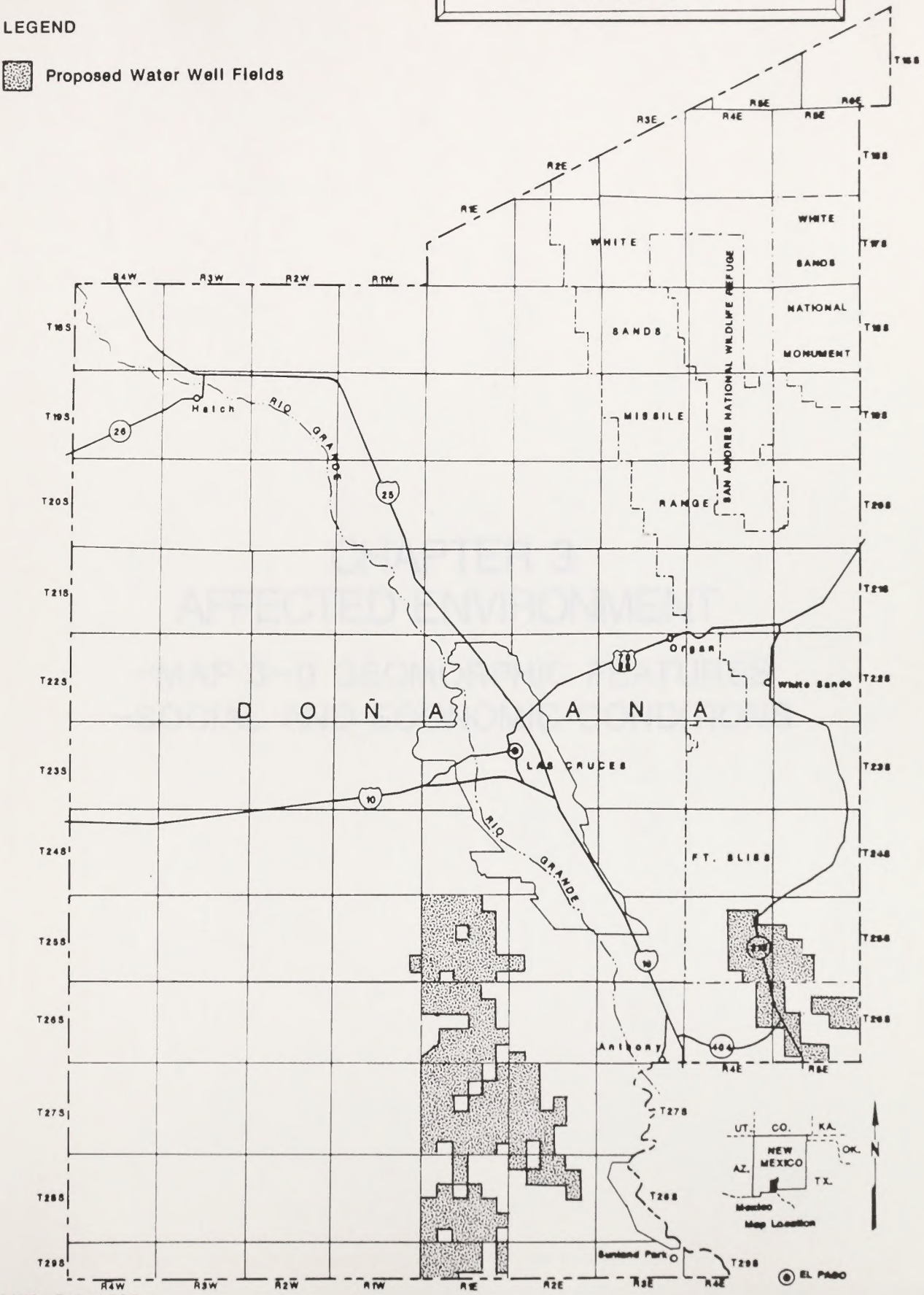
# CHAPTER 2
# ALTERNATIVES
## -MAP 2-3 PROPOSED WATER WELL FIELDS

MAP 2-3
PROPOSED WATER WELL FIELDS

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAS CRUCES DISTRICT LAS CRUCES N.M.
DONA ANA COUNTY LAND TENURE ADJUSTMENT

LEGEND

Proposed Water Well Fields



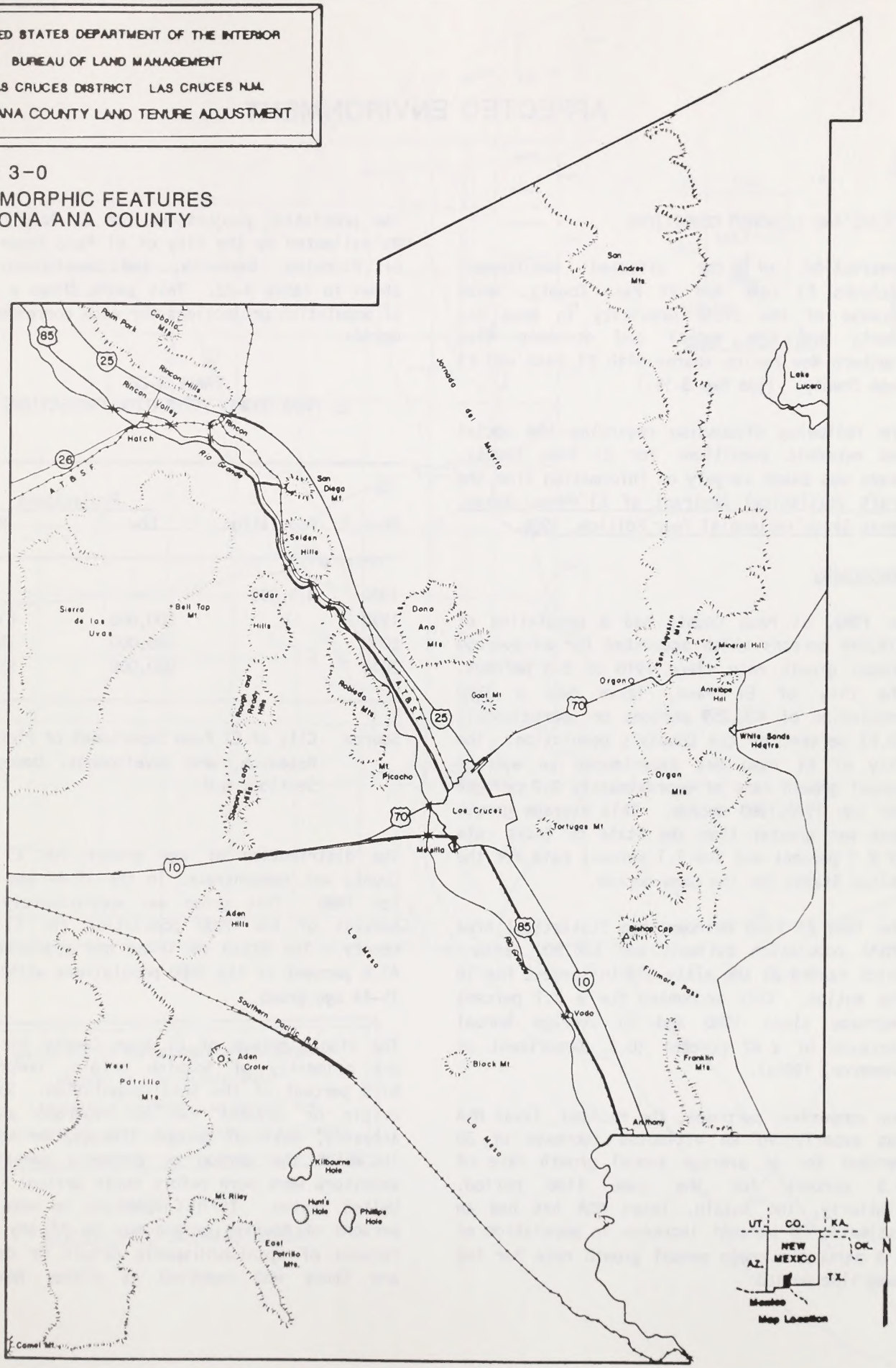

SOURCE: LWA, Oct. 1982

# CHAPTER 3
# AFFECTED ENVIRONMENT

## -MAP 3-0 GEOMORPHIC FEATURES
## -SOCIAL AND ECONOMIC CONDITIONS

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAS CRUCES DISTRICT LAS CRUCES N.M.
DONA ANA COUNTY LAND TENURE ADJUSTMENT

MAP 3-0
GEOMORPHIC FEATURES
IN DONA ANA COUNTY




SOURCE: BLM Las Cruces District Files, 1986

# AFFECTED ENVIRONMENT

## SOCIAL AND ECONOMIC CONDITIONS

Description of the affected environment includes El Paso and El Paso County, Texas because of the close proximity to Dona Ana County and the social and economic ties Southern New Mexico shares with El Paso and El Paso County. (See Map 3-16.)

The following discussion regarding the social and economic conditions for El Paso County, Texas was based largely on information from the Draft Statistical Abstract of El Paso, Texas, Texas Sesquicentennial Year Edition, 1986.

### Demography

In 1980, El Paso County had a population of 479,899 persons which accounted for an average annual growth rate since 1970 of 3.3 percent. The City of El Paso, Texas had a 1980 population of 425,259 persons or approximately 88.61 percent of the County's population. The City of El Paso has experienced an average annual growth rate of approximately 3.2 percent for the 1970-1980 decade. This average growth rate was greater than the State of Texas rate of 2.7 percent and the 1.1 percent rate for the United States for the same decade.

The 1984 El Paso Metropolitan Statistical Area (MSA) population estimate was 526,500 persons which ranked as the sixty-eighth largest MSA in the Nation. This accounted for a 9.7 percent increase since 1980 and an average annual increase of 2.42 percent (U.S. Department of Commerce, 1985a).

For comparison purposes, the Midland, Texas MSA has experienced an estimated increase of 38 percent for an average annual growth rate of 9.5 percent for the same time period. Similarly, the Austin, Texas MSA has had an estimated 20 percent increase in population or a 5 percent average annual growth rate for the same time period.

The population projections for El Paso County as estimated by the City of El Paso Department of Planning, Research, and Development are shown in Table 3-22. This table shows a range of population projections for each corresponding decade.

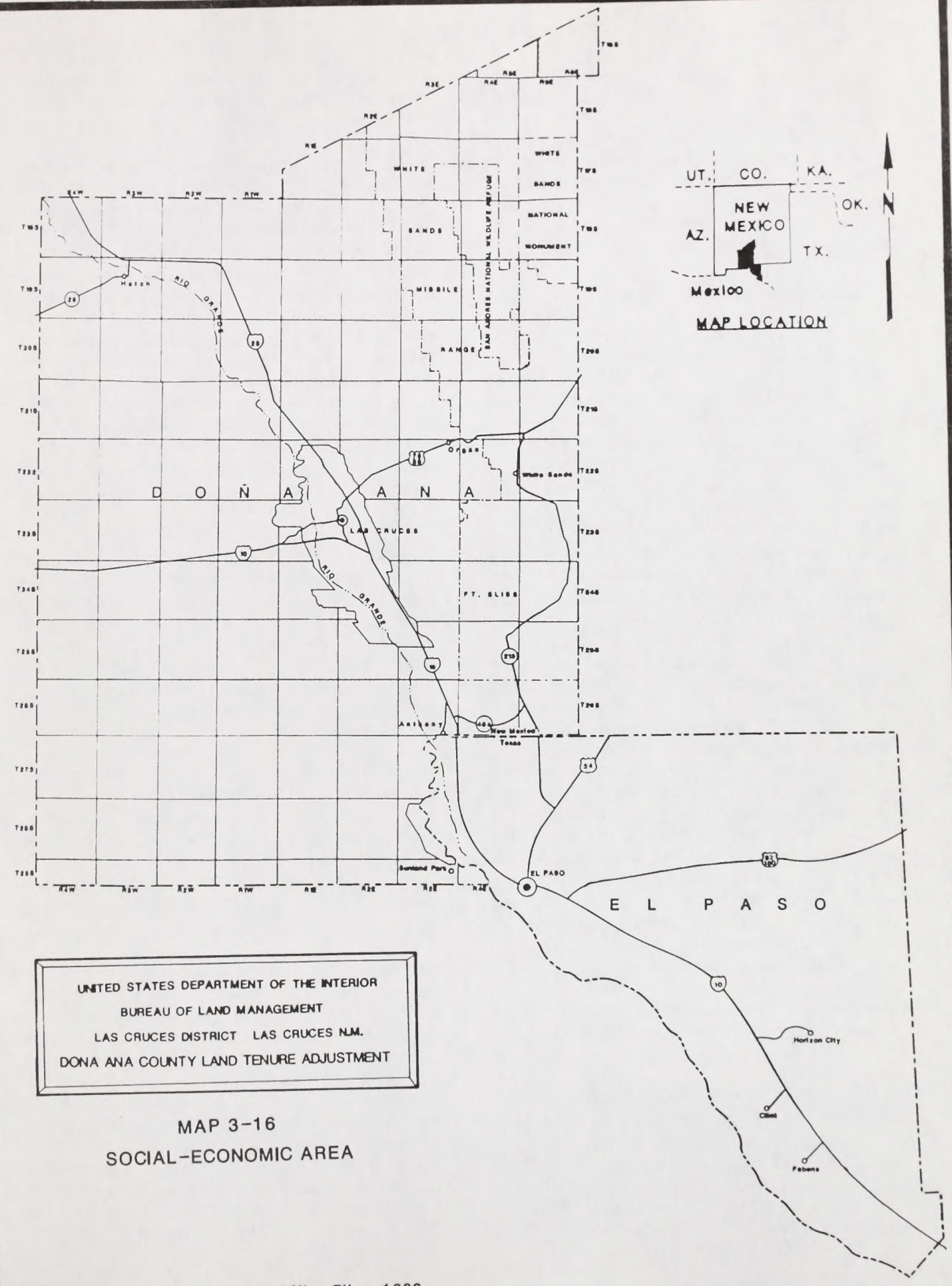
TABLE 3-22
EL PASO COUNTY POPULATION PROJECTIONS

| Year | Population | Projections | |
|---|---|---|---|
| | | Low | High |
| 1980 | 479,899 | -- | -- |
| 1990 | | 600,000 | 610,000 |
| 2000 | | 740,000 | 760,000 |
| 2010 | | 930,000 | 950,000 |

Source: City of El Paso Department of Planning, Research, and Development, Demography Section, n.d.

The distribution of age groups for El Paso County was concentrated in the 15-44 age group for 1980. This group was approximately 47.7 percent of the 1980 population for El Paso County. The State of Texas had approximately 47.8 percent of its 1980 populations within the 15-44 age group.

The ethnic makeup of El Paso County for 1980 was primarily of Spanish origin, comprising 61.9 percent of the total population. Spanish origin or descent can be regarded as the ancestry, National group, lineage, or country in which the person or person's parents or ancestors were born before their arrival in the United States. It is important to note that persons of Spanish origin may be of any race. Persons of Spanish/Hispanic origin or descent are those who reported as either Mexican,




UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAS CRUCES DISTRICT LAS CRUCES N.M.
DONA ANA COUNTY LAND TENURE ADJUSTMENT

MAP 3-16
SOCIAL-ECONOMIC AREA

SOURCE: BLM Las Cruces District Office Files, 1986

Puerto Rican, Cuban, or "other" Spanish/Hispanic origin. "Other" Spanish/Hispanic origin are those whose origins are from Spain, or Spanish-speaking countries of Central or South America or identifying their origin or descent as being Spanish, Spanish-American, Hispano, Latino, etc. Approximately 3.8 percent of the total population in 1980 were Black.

Infrastructure and Social Conditions

In 1980 for El Paso County, 29 percent of those persons 25 years old and over completed high school. This was a full percentage increase from 1970 for the County. Approximately 16.4 percent of those 25 years and older completed 1 to 3 years of college, and 14 percent completed 4 years or more of college. Approximately 12 percent of those 25 years or older completed 5 to 7 years of elementary school, 11.6 percent completed 1 to 3 years of high school, 11.5 percent completed 0 to 4 years of elementary school, and 5.5 percent completed 8 years of elementary/middle school (U.S. Department of Commerce, PHC80-2-144, PHC(1)-62).

There are nine independent school districts (ISDs) in El Paso County with a 1984-85 school year membership of 120,694 students. Approximately 75 percent of this total were Hispanic, 3.2 percent Black, 0.7 percent Asian, and 0.2 percent American Indian. The El Paso ISD had the largest enrollment in the County with 59,510 students and was also the fifth largest school district in Texas; while the Tornillo ISD had the smallest enrollment in the County with 324 students (Texas Education Agency (Texas Public School Membership by Ethnic Group 1984-85 Fall Survey) provided by the Office of Research and Evaluation, El Paso Independent School District).

There were 26 accredited non-public schools in El Paso County with a total enrollment of 5,791 for the 1985-86 school year.

The University of Texas at El Paso (UTEP) had a 1985 fall enrollment of 14,110 students. Approximately 1,590 degrees were granted in 1985. Total operating expenditures for 1984-85 was $63.4 million. The El Paso Community College had a 1985 fall enrollment of 13,609 students. Education and general expenditures for 1985 were $33.5 million.

There are approximately nine institutions which offer occupational training to El Paso County residents.

During 1985, expenditures by major welfare programs totaled $82.7 million for El Paso County. This was a 9.1 percent increase from 1984 expenditures of $75.8 million. Approximately $44.4 million or 54 percent of the 1985 expenditures were for food stamps; $28.9 million or 35 percent were for medical assistance payments; and $9.3 million or 11 percent were for Aid to Families with Dependent Children (Texas Department of Human Services (Annual Reports) n.d.). During 1985, 87,036 clients received food stamps, 25,380 clients received medical assistant payments, and 4,854 families and 14,746 children received aid to families with dependent children (Texas Department of Human Services (Annual Reports) n.d.).

In 1980, the number and occupancy of year-round housing totaled 147,766 units. It should be noted that this figure does not include 198 seasonal and migratory units. Approximately 57 percent of the 1980 total housing units were owner occupied, 38 percent were renter occupied, and 5 percent were vacant (U.S. Bureau of the Census, Census of Population and Housing Report, n.d.).

Single-unit housing structures comprised 70.3 percent of all housing structures and multi-unit structures comprised 29.7 percent of all housing structures. The 1980 median value of owner occupied year-round housing for El Paso County was $38,400 (U.S. Bureau of the Census, Census of Population and Housing Report, PHC80-2-144, El Paso, Texas, n.d.).

The primary means of transportation for all workers including Armed Forces in El Paso County is by private automobile. Approximately 66 percent of all workers used their private automobile in 1980, while only 4 percent relied on public transportation. Approximately 6 percent of all workers in the County walked to work in 1980 (U.S. Bureau of the Census, Census of Population, Detailed Population Characteristics Series, n.d.). Expenditures for construction of highways and bridges in El Paso County totaled $13.5 million for the 1984-85 period. State highway and farm road

maintenance expenditures totaled $2.1 million for the same period (State Highway Department of Texas, Biennial Report, n.d.).

Air service is available at the El Paso International Airport. As of February 1986, there are seven principal air carriers which serve the El Paso metropolitan area, with air service also available from Ciudad Juarez. These carriers are American Airlines, America West Airlines, Delta Western Airlines, and Aero Mexico which operates from Ciudad Juarez into the interior of Mexico (El Paso International Airport, Business Office, Accounting Department 1986).

Railroads serving the El Paso/Ciudad Juarez metropolitan area are Southern Pacific, National Railway of Mexico, Chihuahua Pacific, Santa Fe, and Missouri Pacific (El Paso Chamber of Commerce, n.d.).

There are currently 50 principal common motor freight carriers directly serving El Paso, as well as eight principal bus lines which serve the El Paso/Ciudad Juarez metropolitan area (El Paso Chamber of Commerce 1986).

There are two major El Paso newspapers, the El Paso Times and the El Paso Herald Post. In 1985, the El Paso Times had a morning circulation of 55,863 readers and a Sunday circulation of 87,457 readers; whereas the Herald Post had an evening circulation of 31,408 readers (Audit Bureau of Circulation, Chicago, Illinois (provided by El Paso Times) n.d.).

The El Paso Electric Company and Southern Union Gas Company supply electricity and natural gas to the County. In 1985, there were 134,136 natural gas meter customers which include those meters on line whether active or inactive (Southern Union Gas Company, n.d.). The 1985 natural gas usage charge rates were $0.396 per hundred cubic feet (CCF) in December of that year for a residence using 0 to 100 CCF.

In 1985, there were approximately 107,360 sewer customers and 116,723 water customers in El Paso County. The sewer service charges are based on the water usage as measured by the water meter serving the property plus a commodity charge for that in excess of the commodity allowance in the minimum. The monthly minimum charge effective from March 1, 1985 through March 1, 1987 ranges from $4.12 for a meter size less than 1 inch to $17.10 for a meter size of 10 inches. The commodity allowance in minimum is 400 CCF. The commodity charge for sewer usage in excess of the allowance included in the minimum monthly charges is $.43 per CCF of water feet based on the metered water usage.

The average water service charge for both residential and nonresidential users in El Paso for 1984 was $0.736 per 1,000 gallons. This was approximatley 5 percent higher than the 1983 rate of $0.701 per 1,000 gallons (El Paso Water Utilities Public Service Board, n.d.).

The Bureau of Business and Economic Research at UTEP compared water service charges in selected southwestern cities for October of 1985. The water service charges were compared given a single residence within the city limits and equipped with a 1 inch meter where 3,000 gallons of water were consumed during the month of October 1985. The charges would have been $10.60 for Midland, Texas; $8.14 for San Antonio, Texas; $7.57 for Austin, Texas; $5.67 for Denver, Colorado; and $3.94 for El Paso, Texas (Bureau of Business and Economic Research, University of Texas at El Paso, n.d.).

The City of El Paso had 658 police officers and 209 civilian personnel employed during 1985 (El Paso Police Department, Planning and Research Division, n.d.). The yearly salary for a starting patrolman was $16,800 and $27,401 for a Senior Patrolman for 1985 (Bureau of Business and Economic Research, University of Texas at El Paso 1986).

The City of El Paso had 508 firefighting personnel and 20 civilian support personnel employed as of May 1, 1986 (El Paso Fire Department n.d.).

During 1984, the County of El Paso had $62.9 million in gross revenues of which $28.8 million was from property tax collections. Gross expenditures totaled approximately $62.8 million (County Auditor's Office, El Paso, County n.d.). The Ad Valorem tax rate per hundred dollars in 1984 for El Paso County was $0.33990. Valuation procedures are based on periodic appraisals.

The City of El Paso had 1984 gross revenues of $234 million of which $38.4 million were property tax collections. Gross expenditures totaled $200.1 million (U.S. Bureau of the Census, City Government Finances Series 1984). The Ad Valorem tax rate per hundred dollars in 1984 was $0.77410. Valuation procedures are based on periodic appraisals. See Table 3-23.

TABLE 3-23
GENERAL FUND REVENUES AND EXPENDITURES
FOR EL PASO COUNTY AND EL PASO CITY, 1984

| Local Government | Gross Revenues ($000) | Gross Expenditures ($000) | Balance ($000) |
|---|---|---|---|
| El Paso County | $62,909 | $62,836 | $73 |
| El Paso City | $234,062 | $200,161 | $33,901 |

Source: Bureau of Business and Economic Research, University of Texas at El Paso, 1986.

Attitudes and Values

In addition to the attitudes and values addressed in the Draft are public concerns regarding how the change in Federal ownership would affect those rights-of-way (ROWs) the City of El Paso has applied for. These ROWs applications would provide the City of El Paso access to the well-sites as well as providing a route to transport the water from the source to the point of final consumption. Additionally, residents of El Paso County may become indirectly affected by disposal of public land because of its close proximity to El Paso County.

Structure of the Economy

The estimated 1983 Per Capita Income for El Paso County was $7,540 (Bureau of Business and Economic Research, University of Texas at El Paso, 1986). This was approximately 6.2 percent greater than the 1982 estimate of $7,100. Both estimates, however, were lower than the estimates for the City of El Paso which were $7,729 for 1983 and $7,278 for 1982 (Bureau of Business and Economic Research, University of Texas at El Paso 1986).

In terms of annual payroll by industry in El Paso County for 1983, the leading industry was the Manufacturing Sector with a payroll of $456 million; the Services Sector was second with $340.9 million; then Retail Trade with $275.8 million, fourth was Transportation and Public Utilities with $185.7 million, and fifth was Wholesale Trade with $163 million. The distributon of annual payroll by industry is shown on Table 3-24.

In 1983, the Manufacturing Sector had employed 35,517 people in El Paso County with the Retail Trade Sector following with 29,775, the Services Sector was third with 27,040, fourth was the Contract Construction Sector with 10,774, and fifth was the Wholesale Trade Sector with 9,417 employed (Bureau of Business and Economic Research, University of Texas at El Paso 1986). Employment distribution is shown on Table 3-24.

The Manufacturing Sector in El Paso County represented 27 percent of all non-agricultural jobs in 1983. In the United States, the Manufacturing Sector represented 23 percent of all non-agricultural jobs in 1979 (EDAW Inc. 1983). The Manufacturing Sector for El Paso County represented 26 percent of all jobs in 1979 (Bureau of Business and Economic Research, University of Texas at El Paso 1986).

The three largest employment areas in the Manufacturing Sector are Apparel and Textiles, followed by Food and Kindred Products, and Primary Metals. See Table 3-25 for a disaggregated overview of employment in the Manufacturing Sector.

The El Paso County total labor force for the year 1980 was 201,406. Approximately 181,867 persons were in the civilian labor force. Those actually employed totaled 167,344 persons while those unemployed totaled 14,523 for a 7.2 percent unemployment rate (U.S Bureau of the Census, Census of Population and Housing Series n.d.).

TABLE 3-24
EMPLOYMENT AND INCOME BY INDUSTRY
EL PASO COUNTY 1983-84[a/]

| Industry | 1983 Employment | 1983 Income ($000) | 1984 Employment | 1984 Income ($000) |
|---|---|---|---|---|
| Agricultural Services, Forestry, Fisheries | 631 | 4,734 | 500-999 | D |
| Mining | 234 | 6,655 | 250-499 | D |
| Contract Construction | 10,774 | 156,866 | 11,920 | 167,535 |
| Manufacturing | 35,517 | 456,291 | 34,368 | 475,226 |
| Transportation and Other Public Utilities | 8,442 | 185,771 | 8,129 | 183,363 |
| Wholesale Trade | 9,417 | 163,462 | 10,080 | 179,240 |
| Retail Trade | 29,775 | 275,848 | 30,446 | 302,833 |
| Finance Insurance and Real Estate | 7,514 | 117,923 | 7,763 | 128,066 |
| Services | 27,040 | 340,951 | 28,566 | 368,640 |
| Non-Classifiable Establishments | 939 | 21,077 | 2,005 | 20,192 |
| TOTAL | 130,283 | 1,729,578 | 134,148 | 1,838,270 |

Source: Bureau of Business and Economic Research, University of Texas at El Paso, 1986.

Notes: D - denotes that figures were withheld to avoid disclosure
[a/] Data based on sampling as of March 12 of each year.

TABLE 3-25
BUSINESS BAROMETER, EMPLOYMENT IN MANUFACTURING
(MONTHLY AVERAGES) - EL PASO: 1979-1983

| | 1979 | 1980 | 1981 | 1982 | 1983 |
|---|---|---|---|---|---|
| Total Manufacturing | 33,617 | 36,050 | 41,133 | 38,242 | 35,517 |
| Food Kindred | 3,767 | NA | 3,750 | 3,308 | 3,000 |
| Apparel and Textiles | 16,375 | NA | 18,900 | 16,158 | 14,625 |
| Lumber and Wood | 871 | NA | 763 | 658 | 733 |
| Furniture and Fixtures | 388 | NA | 188 | 100 | 100 |
| Printing and Publishing | 1,129 | NA | 1,433 | 1,492 | 1,425 |
| Leather | 1,771 | NA | 2,971 | 3,308 | 2,583 |
| Stone Glass and Clay | 779 | NA | 767 | 758 | 725 |
| Primary Metal | 2,446 | NA | NA | 2,542 | 2,442 |
| Fabricated Metal | 1,033 | NA | 1,300 | 1,367 | 1,133 |
| Electrical Machinery | NA | NA | 3,833 | NA | NA |
| Instruments | NA | NA | NA | NA | NA |

Source: Bureau of Business and Economic Research, Unviersity of Texas at El Paso, 1986.

Note: NA - Not Available.

In 1982, there were 452 farms in El Paso County. Of this total, 355 farms had irrigation. Approximately 135,398 acres were irrigated farmland. The average farm in El Paso County was 663 acres. The average value of land and buildings was $569,002 per farm and $886 per acre. Approximately 68 percent of all operators were full owners and 86 percent had an individual or family type of organization. Although 68 percent of the operators were full owners, this category farmed the least amount of acreage (19 percent) as compared to those who fell into the part owners category. These operators farmed 42 percent of the acreage in El Paso County (U.S. Bureau of the Census, Census of Agriculture, AC82-A-43, 1982). See Tables 3-26 and 3-27.

In 1982, total sales for all farm commodities totaled $47.8 million. This is a 7.2 percent decrease of total sales for farm commodities since 1978. The total sales of all crops in 1982 equaled $23.7 million while total sales of livestock, poultry, and their products equaled $24.1 million. See Table 3-28 for the market value of agricultural products sold for El Paso County.

TABLE 3-26
FARMS, LAND IN FARMS-EL PASO COUNTY: 1974, 1978, AND 1982

| | 1974 | 1978 | 1982 | Percent Change (1974-1982) |
|---|---|---|---|---|
| Farms (number) | 317 | 380 | 452 | 42.6 |
| Land in farms (acres) | 445,872 | 333,005 | 299,665 | -32.8 |
| Farms w/irrigation (number) | 244 | 319 | 355 | 45.5 |
| Land in irrigated farms (acres) | 45,045 | 143,463 | 135,398 | 200.6 |
| Average size of farm (acres) | 1,407 | 876 | 663 | -52.9 |
| Percent of total land in farms | 65.9 | 51.3 | 46.2 | -29.9 |
| Value of land and buildings: | | | | |
| Average per farm ($) | 295,650 | 404,317 | 569,002 | 92.5 |
| Average per acre ($) | 210 | 459 | 886 | 321.9 |

Source: U.S. Bureau of the Census, Census of Agriculture, 1982, AC82-A-43; 1978, AC78-A-43.

TABLE 3-27
TENURE OF FARM OPERATORS AND TYPE OF ORGANIZATION-
EL PASO COUNTY: 1974, 1978, AND 1982

| | Number | | | Acres | | |
|---|---|---|---|---|---|---|
| | 1974 | 1978 | 1982 | 1974 | 1978 | 1982 |
| Tenure of operators: | | | | | | |
| Full owners | 193 | 243 | 308 | 53,350 | 25,760 | 58,020 |
| Part owners | 88 | 94 | 96 | 383,159 | 269,267 | 125,183 |
| Tenants | 36 | 43 | 48 | 9,363 | 37,958 | 116,462 |
| Type of organization: | | | | | | |
| Individual or family | NA | 310 | 369 | NA | 162,657 | 138,772 |
| Partnership | NA | 40 | 44 | NA | 81,105 | 118,368 |
| Corporation: | | | | | | |
| Family held | NA | 21 | 32 | NA | 29,388 | 40,732 |
| Other | NA | 3 | 4 | NA | 57,977 | 1,345 |
| Other (co-op, etc.) | NA | 6 | 3 | NA | 1,876 | 448 |

Source: U.S. Bureau of the Census, Census the Agriculture, 1982. AC82-A-43; 1978, AC78-A-43.

Note: NA - Not Available.

TABLE 3-28
MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD-
EL PASO COUNTY: 1974, 1978, AND 1982

| Commodity/Commodity Group | 1974 ($000) | 1978 ($000) | 1982 ($000) |
|---|---|---|---|
| Grains (primarily wheat & sorghum) | NA | 300 | 2,971 |
| Cotton and cottonseed | NA | 11,309 | 10,941 |
| Tobacco | NA | 0 | 0 |
| Hay, silage, and field seeds | NA | 2,547 | 2,105 |
| Vegetables, sweet corn, and melons | NA | 2,704 | 3,832 |
| Fruits, nuts, and berries | NA | 1,352 | 3,442 |
| Nursery and greenhouse products | NA | ND | ND |
| Other Crops | NA | ND | ND |
| TOTAL CROPS | 9,694 | 18,326 | 23,794 |
| Poultry and poultry products | NA | 4 | 5 |
| Dairy products | NA | 3,617 | 8,907 |
| Cattle and calves | NA | 29,155 | 13,942 |
| Hogs and pigs | NA | 274 | 508 |
| Sheep, lambs, and wool | NA | 24 | 43 |
| Other livestock and livestock products | NA | 179 | 678 |
| TOTAL LIVESTOCK, POULTRY, AND THEIR PRODUCTS | 26,367 | 33,253 | 24,083 |
| TOTAL SALES | 36,061 | 51,579 | 47,877 |
| AVERAGE PER FARM | 114 | 136 | 106 |

Source: U.S. Bureau of the Census, Census of Agriculture, 1982, AC82-A-43; 1978, AC78-A-43.

Note: ND - Not disclosed by the Bureau of the Census.
NA - Not Available.

# CHAPTER 4
# ENVIRONMENTAL CONSEQUENCES
## -SOCIAL AND ECONOMIC CONDITIONS

THE ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED PLAN WOULD REMAIN THE SAME AS FOR THE PREFERRED ALTERNATIVE (ALTERNATIVE III) IN THE DRAFT EXCEPT AS DISCUSSED IN THIS SECTION FOR SOCIAL AND ECONOMIC CONDITIONS AND AS DISCUSSED ON FINAL PAGE 3 FOR THE FRANKLIN MOUNTAINS AREA AND THE ORGAN/FRANKLIN MOUNTAINS CORRIDOR.

# ENVIRONMENTAL CONSEQUENCES

## IMPACTS OF ALTERNATIVES

For purposes of analysis, the Social and Economic discussion will include El Paso County, Texas. This is necessary because of the close proximity of El Paso County to Dona Ana County and the social and economic ties Southern New Mexico, which includes Dona Ana County, share with El Paso County.

### Alternative I - Favor Retention (No Action)

The demographic characteristics, infrastructure, social conditions, and economic structure of El Paso County would not be altered under this alternative.

Management for multiple-use purposes would continue which could be favorably perceived by the City of El Paso. Those pending rights-of-way (ROWs) applications NM63876 (Hueco Basin) and NM63877 (Mesilla Bolson) which the City of El Paso has filed, would be processed. The City of El Paso would not be required to renegotiate specific terms of the ROWs, since the lands would remain in Federal ownership. Therefore, any additional costs or inconveniences to process the ROWs would be foregone under this alternative. Residents of El Paso County who enjoy the public land for recreation may view retention of public land as an opportunity to continue to use land for present and future generations and being assured that the availability and management of the land would continue for public benefit.

The County of El Paso would not experience any significant social or economic impacts due to retention of the 10,000 acres of public land on the East Mesa in Dona Ana County. Any changes that would occur would be due to other factors unrelated to actions under this alternative.

### Alternative II - Favor Disposal

Disposal of 108,118 acres in Dona Ana County could cause direct as well as indirect social and economic impacts for the County of El Paso. Of special significance are the pending ROWs applications the City of El Paso has filed with the BLM. If the surface on which those applications pertain to is acquired by the State of New Mexico or private individuals, the cost to renegotiate the terms of the ROWs with the new landowner may increase if the new landowner is willing to grant the ROWs. Since the El Paso Water Utilities Public Service Board does not have condemnation authority in New Mexico, the consequences to the City of El Paso could be significant if the ROWs are denied by the new landowner. Conversely, if the new landowner allows the ROWs there is the possibility the City of El Paso may pay a leveraged fair market value, and experience delays in processing which could amount to rather substantial economic impacts. These specific impacts would be analyzed, however, before the disposal of the lands would occur. The analysis would be either by environmental assessment or environmental impact statement for the specific area.

The Bureau has agreed to process the rights-of-way applications and retain the public land in Federal ownership until a final decision is made on the applications. (See Appendix K, Final page 134.)

The disposal of 108,118 acres could indirectly impact residents of El Paso County since there would be less public land available for recreational pursuits within the immediate urban area of the El Paso metropolitan area. The indirect impacts could range from seeking alternate areas for recreation to affecting the bequest value of these lands for future generations.

The County of El Paso would not experience any significant social or economic impacts due to the disposal of the 10,000 acres of public land on the East Mesa in Dona Ana County. Any changes that would occur would be due to other factors unrelated to this alternative.

Alternative III - Preferred Alternative

Disposal of 75,304 acres in Dona Ana County could cause direct and indirect social and economic impacts to El Paso County.

As mentioned in Alterantive II, the City of El Paso has filed for ROWs on public land in Dona Ana County. If these lands are disposed of by the BLM, the City of El Paso may experience additional costs to process the ROWs since they would have to renegotiate with the new surface owners. If the new surface owner is unwilling to grant a ROW, this could have significant consequences to the City of El Paso, since the El Paso Water Utilities Public Service Board does not have condemnation authority in New Mexico. If the new surface owner allows the ROWs, there is the possibility the City of El Paso may pay a leveraged fair market value and experience delays in processing. All this could amount to substantial social and economic impacts, of which the specifics would be analyzed at the environmental assessment or environmental impact statement levels before the lands are actually disposed.

These impacts have been mitigated by the Bureau agreeing to process the ROW applications and retain the public land in Federal ownership until a final decision is made on the applications.

Indirect impacts could range from seeking alternate areas for recreational pursuits to affecting the bequest values of these lands for future generations.

The County of El Paso would not experience any significant social or economic impacts due to the disposal of the 10,000 acres of public land on the East Mesa in Dona Ana County. Any changes that would occur would be due to other factors unrelated to this alternative.

# APPENDIX D
# WILDLIFE

# UNITED STATES
# DEPARTMENT OF THE INTERIOR
## FISH AND WILDLIFE SERVICE

Field Supervisor
Ecological Services, USFWS
Post Office Box 4487
Albuquerque, New Mexico 87196

2-22-85-F-123

July 3, 1986

Memorandum

To: District Manager, Bureau of Land Management, Las Cruces, New Mexico

From: Field Supervisor, Fish and Wildlife Service, Ecological Services, Albuquerque, New Mexico

Subject: Biological Opinion, Formal Section 7 Consultation for Sneed's pincushion cactus (Coryphantha sneedii var. sneedii) - Dona Ana County Land Tenure Adjustment (BLM)

This responds to your February 11, 1986 request for formal consultation pursuant to Section 7 of the Endangered Species Act (ESA), as amended, for the proposed Land Tenure Adjustment, Dona Ana County, New Mexico.

A list of threatened and endangered species potentially occurring in the area of impact was provided to the Bureau of Land Management (BLM) by this office on September 24, 1985. The BLM determined that the Federally listed Sneed's pincushion cactus (Coryphantha sneedii var. sneedii) may be affected by the proposed action through disposal of habitat to non-Federal ownership.

Maps which we deemed necessary to effectively evaluate the effects of the proposed action on Sneed's pincushion cactus were not available at the time of the original request for formal Section 7 consultation. These maps became available to us when the Southern Rio Grande Plan Amendment/Draft Environmental Impact Statement (DEIS) was issued in March 1986. By mutual agreement between the BLM and the FWS, the consultation deadline was extended to July 3, 1986.

The basis for this opinion includes information furnished by the BLM, discussions with BLM personnel, and data in our files.

Background Information

The proposed action involves an amendment to the existing BLM Southern Rio Grande Management Framework Plan to include the State exchange proposal and other land tenure adjustments for Dona Ana County, New Mexico. The three alternatives being considered are: 1) Favor Retention Alternative (no action alternative), 2) Favor Disposal Alternative, and 3) Preferred Alternative. The objectives of the three alternatives, as stated in the DEIS, are as follows:

1. Favor Retention. Continue current management direction and existing land use plan decisions for land tenure adjustments.

2. Favor Disposal. Emphasize making public land available for disposal with retention of land with resource values where required by laws, regulations, or policies.

3. Preferred Alternative. Provide a balanced management direction for land tenure adjustment with retention of land with important environmental values and sensitive resources.

The Sneed's pincushion cactus occurs on and adjacent to lands designated for disposal under the Favor Disposal Alternative and the Preferred Alternative. This species was listed as endangered on November 7, 1979 (44 FR 64734). This cactus grows in semi-desert grassland in west Texas and southern New Mexico at an elevation of 1,200-2,350 m (3,900-7,700 feet). It is restricted to Mississippian and Pennsylvanian limestones of various formations and grows in cracks on vertical cliffs or ledges. Principal threats to the species are direct collection by commercial or private collectors, destruction or modification of habitat, and restricted distribution. Twenty documented localities of Sneed's pincushion cactus are presently known. Although accurate counts have not been made for all populations, it is believed the total number of plants is in the thousands.

Impacts of the Action

Disposal of public land located near sites which support the Sneed's pincushion cactus is likely to have indirect impacts on the species. Indirect impacts include increased pressure from collectors and habitat destruction or modification resulting from increased recreational use of the area. Depending on the alternative chosen, the proposed action would affect at most three of the 20 known populations of this cactus.

The Favor Retention Alternative (no action alternative) is not likely to adversely impact the Sneed's pincushion cactus since existing BLM protection of the species and its habitat would continue.

The Favor Disposal Alternative could adversely impact the Sneed's pincushion cactus. One known population is located on land designated for disposal and two additional populations are located on adjacent lands. Prior to any disposal, surveys for the Sneed's pincushion cactus will be conducted and BLM will retain lots which support the species. However, since development could potentially occur on lands in very close proximity to the plants,it is unlikely that BLM would be able to provide adequate protection to the cacti on these lots. Hence, significant adverse impacts to these plants are highly probable.

Under the Preferred Alternative, Sneed's pincushion cactus habitat in the northern Franklin Mountains would be retained by the BLM. In addition, a section of State land in the northern Franklin Mountains which may support the species is designated for potential acquisition by the BLM. Three populations occur on lands adjacent to those designated for disposal under this alternative. These could be indirectly impacted as a result of development of disposed lands. If potential habitat occurs on the acquired State land, this acquisition would likely have a beneficial effect on the species.

Biological Opinion

The potential for adverse impacts to Sneed's pincushion cactus is much greater under the Favor Disposal Alternative than under either the Favor Retention Alternative or the Preferred Alternative.

Based on the preceding information, it is our biological opinion that none of the three proposed alternatives is likely to jeopardize the continued existence of Sneed's pincushion cactus.

Recommendations

To minimize potential adverse impacts to Sneed's pincushion cactus, the following is recommended:

1. Either the Preferred Alternative or the Favor Retention Alternative should be selected.

2. If the Preferred Alternative is selected, the final proposal should designate Section 36 and Section 32, T. 26 S., R. 4 E. for acquisition by the BLM if these areas support Sneed's pincushion cactus. In addition, the southern half of Section 25, T. 26 S., R. 4 E. should be retained by BLM.

3. If the Favor Disposal Alternative is selected, retain an area large enough around Sneed's pincushion cactus to ensure the integrity of its habitat is maintained.

Further consultation is required if new information becomes available that addresses the welfare of Sneed's pincushion cactus, the action is modified such that it will affect the species in a manner not addressed in this opinion, or new species are listed that may be impacted be this action.

We appreciate the cooperation you have afforded us during this consultation. If you have any questions about this opinion, please call Maureen Long at (505) 766-3966 or FTS 474-3966.

John C. Peterson

cc:
Director, Fish and Wildlife Service, Washington, D.C. (OES)
Director, New Mexico Fish and Game Department, Santa Fe, NM
Regional Director, Fish and Wildlife Service, Habitat Resources, Albuquerque, NM

# APPENDIX F
# CULTURAL RESOURCES

# APPENDIX F
# CULTURAL RESOURCES

STATE OF NEW MEXICO

OFFICE OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

VILLA RIVERA, ROOM 101
228 EAST PALACE AVENUE
SANTA FE, NEW MEXICO 87503
(505) 827-8320

TONEY ANAYA
GOVERNOR

CLARA APODACA
CULTURAL AFFAIRS OFFICER

THOMAS W. MERLAN
DIRECTOR

May 23, 1986

H. James Fox, District Manager
Las Cruces District Office
Bureau of Land Management
1800 Marquess Street
Las Cruces, New Mexico 88005

Dear Mr. Fox:

Thank you for your letter of March 26, 1986 regarding BLM Report 030-86-34, entitled A Cultural Resource Clearance Survey of the State Land Exchange Area near Las Cruces.

This report documented a sample survey of approximately 8% of the proposed 10,000 acre Dona Ana Land Exchange Area. A total of seventeen archaeological sites and 203 isolated occurrences were noted in the 800 acre survey area. I agree with your evaluation that the following sixteen sites appear to be potentially eligible to the National Register of Historic Places, based on their scientific potential (criterion d, 36 CFR 60.4):

Site 030-3804: very large lithic scatter
Site 030-3805: historic habitation site
Site 030-3806: small lithic scatter
Site 030-3807: small lithic scatter
Site 030-3808: large lithic scatter
Site 030-3809: ceramic scatter
Site 030-3810: very large lithic scatter
Site 030-3811: small lithic scatter
Site 030-3812: small ceramic/lithic scatter
Site 030-3813: very large lithic scatter
Site 030-3814: small lithic scatter
Site 030-3816: small lithic scatter
Site 030-3817: campsite
Site 030-3824: historic wagon road (Scott Haul Road)
Site 030-3830: small campsite
Site 030-3831: small lithic scatter

The seventeenth site, Site 030-3815, is a small stone marker which may mark the location of Pat Garrett's murder in 1908. Such commemorative features are generally not considered eligible for the National Register of Historic Places.

Table 4 on page 41 of the report provides a site by site assessment of the type of mitigative action that would be appropriate if the sites were to be disturbed at a later date. I agree with your opinion that all of the potentially eligible sites can be adequately treated by additional data recovery such as excavation, recordation, collection and research.

I note that the report (page 42) indicates that based on density of sites in the surveyed portion of the tract, there may be as many as 196 prehistoric and historic sites located in the entire 10,000 acre area. Based on the results of the sample survey, the remaining 92% of the area would require professional archaeological survey prior to authorization of any surface modifying activities. State Land Office consultation responsibilities are outlined in Section V-4 of the MOA.

I appreciate your cooperation.

Sincerely,

Thomas W. Merlan
State Historic Preservation Officer

TWM:NEW:jmg

5501nw.jmg

cc: Jim Baca, Commissioner of Public Lands

STATE OF NEW MEXICO

OFFICE OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

VILLA RIVERA, ROOM 101
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TONEY ANAYA
GOVERNOR

CLARA APODACA
CULTURAL AFFAIRS OFFICER

THOMAS W. MERLAN
DIRECTOR

May 23, 1986

Jim Baca
Commissioner of Public Lands
State Land Office
P.O. Box Box 1148
Santa Fe, New Mexico 87503-1148

Dear Commissioner Baca:

This is in reference to cultural resource concerns in the proposed Dona Ana County Land Exchange, or proposed exchange of approximately 10,000 areas of Bureau of Land Management Lands to the State of New Mexico.

Federal land exchanges must comply with Sections 106 and 110 of the National Historic Preservation Act, as amended, which require federal agencies to consider the effect of their actions on significant cultural resources, and to exercise caution that significant cultural resources are not inadvertently transferred from federal ownership or control.

Specific cultural resource responsibilities regarding exchange of Bureau lands to the State Land Office are defined in a February 1985 Memorandum of Agreement (MOA) among the Bureau, this office, and the State Land Office. This agreement outlines steps to be taken to ensure that cultural resources are given appropriate consideration in the land exchange selection process. It also outlines the legal responsibilities that the State Land Office will assume for management of cultural resources on exchanged federal lands in order to provide long-term protection that would be consistent with established federal requirements. Some of these responsibilities include requiring the completion of surveys and data recovery before surface-disturbing activities are authorized on the exchanged lands, as well as more broad-ranging responsibilities such as providing protection from vandalism. Specific procedures are outlined in that MOA. These comments are provided in accordance with Section V-1 of the MOA.

Section V-1 of the MOA requires the Bureau to review existing archaeological records for proposed exchange tracts in order to assist in the development of selection proposals. In completing this Class I overview for the Priority 1 lands, the Bureau found that only 1% (132 acres) of the 10,000 acre area had been previously surveyed. This did not provide enough information for making assessments of the types and frequency of archaeological sites in the proposed exchange area, and this necessitated the completion of additional inventory by the Bureau in accordance with the responsibilities outlined in Section V-2 of the MOA.

Representatives of this office and the Bureau met on August 6, 1985 to discuss what additional inventory would be necessary to identify sites which may be unstable, threatened or vulnerable, and sites which should be preserved in place. The intent of inventory at this stage was not to identify all cultural resources in the proposed exchange tract, but rather to assess the overall archaeological sensitivity of the proposed exchange tract and to identify specific sites or areas which could pose major management problems. Therefore, a combination of judgmental sample and random transects was agreed upon, focusing on proximity to major drainages, with several extended linear transects distributed across the remainder of the area. Approximately 8% of the area was to be surveyed at this stage.

The inventory was conducted by the Bureau during November 1985. Inventory results are documented in BLM Report Number 030-86-34: A Cultural Resources Survey of 800 Acres for the State Land Exchange Area East of Las Cruces, New Mexico, by Marilyn Harkey, dated January 1986. A copy of this report is on file in this office and at the Laboratory of Anthropology, Site Survey Room.

In accordance with its responsibilities under Section V-2 of the MOA, the Bureau has provided this office with a copy of the inventory report, with a request for a determination of eligibility. The 8% inventory revealed 17 archaeological sites and 203 isolated artifact occurrences. The majority of the sites are large artifact scatters suggestive of extensive prehistoric use of the area. Three of the sites are of historic affiliation, including the historic Scott Haul Road and a small stone marker commemorating the location where Lincoln County Sheriff Pat Garrett allegedly was murdered in 1908. Sixteen of the sites appear to have considerable scientific potential and meet criterion d of National Register eligibility, as defined in 36 CFR 60. The remaining site, the Garrett commemorative marker, is of regional historical interest. However, the National Park Service does not generally consider such commemorative sites eligible for the National Register.

In general, the documented sites are the type of sites that are amenable to standard data recovery techniques, such as professional excavation, collection, recordation and analyses, if they are to be destroyed. An overview of appropriate mitigation procedures is outlined on page 41 of the report. Even though it may not be eligible for the National Register of Historic Places, the Garrett commemorative marker is the type of site that might be considered for long-term preservation because of its association with a regionally significant person.

In general, these sites should not pose major management problems. The major ongoing management problem will be that of controlling unauthorized use of the area, such as artifact collecting, illegal excavation, or off-road vehicle (ORV) traffic. ORV traffic can destroy sites by damaging fragile subsurface deposits. It should be restricted in the area.

Based on the results of the survey, it appears likely that there is a large number of other sites, perhaps as many as 200 in the not-yet inventoried portions (92%) of the exchange tract. If these areas are selected for exchange, the State Land Office will need to require professional archaeological survey of these areas prior to authorizing any surface-disturbing activities. Additional data recovery may be required for any sites that may be affected by a proposed action.

If these lands are selected, in accordance with Section V-4 of the MOA, it is the State Land Commissioner's responsibility to consult with this office upon receipt of lease or land use applications to determine whether prospective uses are compatible with preservation and protection of significant cultural resources, and to determine any measures needed to accomplish such protection.

We appreciate your cooperation. Let us know if you have any questions.

Sincerely,

Thomas W. Merlan
State Historic Preservation Officer

TWM/NEW/bc

cc: H. James Fox, Las Cruces BLM

# APPENDIX J
# NEW MEXICO STATE LAND OFFICE POLICY

State of New Mexico
OFFICE OF THE
Commissioner of Public Lands
Santa Fe

JIM BACA
COMMISSIONER

P.O. BOX 1148
SANTA FE, NEW MEXICO 87504-1148

August 25, 1986

Robert L. Schultz
Acting Deputy State Director
Bureau of Land Management
P.O. Box 1449
Santa Fe, New Mexico 87504

Dear Mr. Schultz:

Regarding existing authorized improvements on Federal (BLM) lands in Dona Ana County which will be exchanged to the State Land Office, the State will acknowledge the improvements and their value as provided by the BLM. These improvements and values will become a part of any future Agricultural Lease issued by the State Land Office. See letter of January 21, 1986, Appendix J of the Southern Rio Grande Plan Amendment/Environmental Impact Statement - Draft.

Validation; compensation and removal of existing improvements is determined by State Land Office Rules and Regulations. A copy of Rule No. 8.015, which specifically addresses this issue, has been enclosed for your review. Any improvements placed on the lands after they are exchanged are covered by SLO Rule No. 8.013, a copy of which is also enclosed for your use in discussions with BLM allottees.

If additional information or clarification is needed, please feel free to contact this office.

Sincerely,

Jim Baca

Jim Baca
Commissioner of Public Lands

8.014 Agricultural Lease Authorized Improvements; Application for Consent to Construct; Determination of Value.

A. Application for permission to place improvements on state trust lands held by an agricultural lease shall be made upon forms and in the manner prescribed by the Commissioner prior to initiation of placement or construction. The application shall set forth the type and kind of improvements to be placed and the estimated cost of the same. The application shall be accompanied by an application fee of sixty dollars ($60.00) and shall specify the legal subdivision or subdivisions upon which the authorized improvements are to be placed. If the application is approved, the base value placed on the authorized improvements shall not become final until the determination required in Paragraph B of this Rule is made.

B. Upon completion of any authorized improvement, the lessee shall, by sworn affidavit, inform the Commissioner of the actual cost of the authorized improvement. The actual cost of the authorized improvement shall become its final approved base value unless the Commissioner elects to conduct his own appraisal. Following such an appraisal the Commissioner shall determine the base value of the authorized improvement taking into consideration the appraisal and the actual cost of the authorized improvement, which base value shall then become the final approved base value of the authorized improvement.

8.015 Improvements; Validation; Compensation and Removal.

A. Unless removal is permitted or required pursuant to Paragraph D of this Rule and except as provided in Paragraph C of this Rule, a lessee who is the owner of authorized improvements placed or constructed upon state trust lands on or before March 1, 1955, or pursuant to Rule 8.014, shall be compensated for those improvements by a subsequent purchaser or lessee in an amount equal to their true market value to be determined by an appraisal made by the Commissioner.

B. Except as provided in Paragraph D of this Rule, the owner of unauthorized improvements erected or constructed upon state trust lands between March 1, 1955, and March 1, 1975, shall be compensated for such improvements, if subsequently approved by the Commissioner in writing, by a subsequent purchaser or lessee in an amount to be determined by an appraisal made by the Commissioner. Application to the Commissioner for such approval must have been made prior to March 1, 1986.

C. If the final approved base value of an authorized improvement as determined in Rule 8.014 is lower than the actual cost of the authorized improvement, twenty-five percent (25%) of the actual cost in excess of the final approved base value shall accrue to the state trust land involved. When and if that authorized improvement is transferred to a subsequent lessee or purchaser, the trust land shall retain that portion of the appraised value determined pursuant to Paragraph A of this Rule which is attributable to twenty-five percent (25%) of the actual cost in excess of the final approved base value.

D. Growing crops and fences may be removed by a lessee prior to transfer of a lease to a subsequent lessee or purchaser under such reasonable terms as the Commissioner may set and other authorized improvements may be removed subject to the discretion of the Commissioner.

# APPENDIX K
# AGREEMENTS

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE NEW MEXICO STATE OFFICE
BUREAU OF LAND MANAGEMENT
DEPARTMENT OF THE INTERIOR

AND

THE COMMISSIONER OF PUBLIC LANDS
NEW MEXICO STATE LAND OFFICE
STATE OF NEW MEXICO

The Memorandum of Understanding (MOU) between the Bureau of Land Management (hereinafter called "BLM"), represented by the State Director; and the Commissioner of Public Lands, New Mexico State Land Office (hereinafter called "Commissioner"), is entered into and effective this 3rd day of October 1984.

Purpose

The purpose of this memorandum is to set forth the procedures to establish a comprehensive, long-term Statewide Land Exchange Program between BLM and the Commissioner.

Authority

The Federal Land Policy and Management Act of 1976 (FLPMA).

Section 19-2-12 NMSA 1978.

WHEREAS, Federal projects, in-lieu selections and a variety of other previous actions have created areas of intermingled land ownerships, inholdings and associated management problems and inefficiencies; and

WHEREAS, it is the objective of both BLM and the Commissioner to:

° Improve the land management potential of both State and Federal lands;

° Eliminate unnecessary Federal and State conflicts generated by existing ownership patterns;

° Facilitate the management of State/BLM lands by substantially realigning the scattered State/BLM sections and creating solid block or consolidated land ownership; and

° Develop procedures that are most expeditious and cost effective.

THEREFORE, BLM and the Commissioner agree to the following procedures to implement an exchange program:

1. Coordination

a. A working group shall be established composed of BLM and Commissioner staff as appointed by the State Director and the Commissioner. This group shall conduct its first meeting no later than 30-days after the mutual signing of this MOU.

b. Working group meetings will be held as frequently as required but at least quarterly.

c. The working group will be primarily responsible for identifying areas of preferred consolidation of ownership, developing and applying criteria for exchange proposals, and developing and maintaining a State/BLM Exchange Action Plan.

2. Development of Exchange Actions

a. Specific exchange actions will be developed from the following sources:

1) Legislative and policy mandated exchanges.

2) BLM and Commissioner land use planning documents.

3) Actions mutually agreed to by the State Director and the Commissioner.

b. All exchange actions will be addressed by land use planning decisions, within the framework of ongoing planning efforts, as amendments to existing plans or as planning analysis where no planning exists. "Conformance" determinations, as per 43 CFR Part 1600, will be used to determine if proposed exchange actions require further planning action. Every effort will be made to use the "Conformance" provisions of the Bureau's planning regulations to facilitate the objectives of this agreement. All ongoing and future BLM planning efforts will be structured to identify areas where each agency is desirous of acquiring or disposing of land.

3. Implementation of Exchange Procedures

a. Inventories of resource values, documentaton and decision processes will be completed in accordance with the legal and policy requirements of both agencies.

b. Appraisal procedures will be decided on a case-by-case basis. All appraisals will be subject to the review and approval of both agencies whether completed by one of the agency's appraisers or a third party.

c. Since much time is lost in exchanges in equalizing the actual dollar value and to facilitate rapid transfer of title, a "running account" ledger will be developed to tabulate land acreages and valuations that are transferred between the two agencies. Lands will be transferred by either agency as soon as they are processed and appraised and the transfer will not

have to await an equal value parcel in return at that time. The valuation of transferred titles shall be balanced every 2 years or at the request of either party. The package for package exchange processing will be followed recognizing that any one exchange may not have equal values but will be within 15 percent valuation between the offered and selected lands.

d. More specific procedural guides may be developed by the working group, as needed, to implement this agreement.

4. Term of Agreement

a. The parties to this MOU may negotiate revisions upon a 30-day written notice by either party. This agreement shall continue in effect, unless and until it is terminated by mutual agreement of the parties hereto or is terminated by either party upon 30-days written notice to the other party and a final exchange action or payment to equalize values.

IN WITNESS, the parties hereto have executed this MOU on the dates indicated.

New Mexico State Office, DOI
Bureau of Land Management

By: /s/ Charles W. Luscher
State Director

Date: 10/3/84

Commissioner of Public Lands,
New Mexico State Land Office
State of New Mexico

By: /s/ Jim Baca
Commissioner of Public Lands

Date: 10/3/84

IN REPLY REFER TO:
NM 63876
NM 63877
2802 (036)

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT
LAS CRUCES DISTRICT OFFICE
1800 Marquess St.
Las Cruces, New Mexico 88005

JUL 8 1986

Mr. John T. Hickerson
General Manager
El Paso Water Utilities
Public Service Board
P. O. Box 511
El Paso, TX 79961

Dear Mr. Hickerson:

We have reviewed the El Paso Water Utilities Public Service Board (EPWUSB) concerns presented to the State Director on June 24, 1986, about processing rights-of-way applications NM63876 (Hueco Bolson) and NM63877 (Mesilla Bolson) and retaining the public land in the Hueco Bolson Basin until the water issue can be resolved.

The public land in the Hueco Bolson Basin has been identified for disposal in the Draft Southern Rio Grande Plan Amendment/Environmental Impact Statement (March 1986). A statement was made in the Draft that the rights-of-way applications would not be processed until the EPWUPSB obtained approval from the New Mexico State Engineer to appropriate the underground water and comply with the applicable rules for a ROW application (Draft page 2-6). We will change this statement in the Final EIS that will be released in October 1986, because we have since determined that we can proceed with processing the rights-of-way including the environmental documents. The rights-of-way could be processed up to the grant stage and then issued once a permit is obtained from the NM State Engineer. Any public land that is needed for rights-of-way will be retained in Federal ownership until a final decision is made on your application.

This letter supercedes our letter of May 20, 1986, but we would like to arrange a meeting to discuss the processing of your applications. At this meeting we will discuss the options of contracting the preparation of the environmental documents or having them prepared by the Bureau. Finally, we will present a draft agreement for your consideration which will specify types of work to be performed and methods of cost recovery on each work segment.

If you have questions, feel free to contact Mr. Marvin James of my staff at (505) 525-8228.

Sincerely,

H. James Fox

H. James Fox
District Manager

cc:
Mr. Robert Uram

# REFERENCES

# REFERENCES


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UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAS CRUCES DISTRICT LAS CRUCES, NEW MEXICO

# SOUTHERN RIO GRANDE PLAN AMENDMENT

## PROPOSED STATE LAND EXCHANGE AND DONA ANA COUNTY LAND TENURE ADJUSTMENT

**NOTE:**

This visual illustrates the Proposed Plan for the Southern Rio Grande Plan Amendment.

The Proposed Plan is a modified version of the Preferred Alternative shown on Visual B of the Draft PA/EIS (March 1986).

LAND STATUS

- PUBLIC LAND
- STATE LAND
- PRIVATE LAND

LEGEND

RETENTION AREAS INCLUDE ALL PUBLIC LAND NOT PROPOSED FOR DISPOSAL

(1) DISPOSAL AREAS

(2) DIFFICULT AND UNECONOMICAL TO MANAGE LAND OR LAND WHERE INTEREST HAS BEEN SHOWN FOR DISPOSAL

(3) STATE LAND EXCHANGE DISPOSAL AREA

(4) EXISTING & PENDING PUBLIC PURPOSE USES IN STATE LAND EXCHANGE AREA

(5) PROPOSED PUBLIC PURPOSE USES IN STATE LAND EXCHANGE AREA

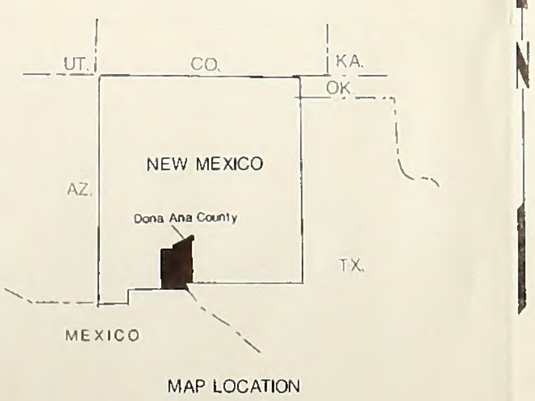
(6) MINING CLAIMS FOR RETENTION IN STATE LAND EXCHANGE AREA

(7) MILITARY WITHDRAWAL LAND FOR POTENTIAL RELINQUISHMENT

(8) STATE LAND FOR POTENTIAL ACQUISITION

(9) PRIVATE LAND FOR POTENTIAL ACQUISITION

SCALE : 1/4 INCH = 1 MILE




MAP LOCATION

SOURCE: BLM Las Cruces District Files October 1986.

NOTE TO USER : This Visual is NOT for Legal purposes.

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DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Las Cruces District Office
1800 Marquess St.
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